

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 638 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 3-5-2-49.1 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: **Sec. 49.1. "Township" means the**
- 5 **following:**
- 6 **(1) A township in a county not having a consolidated city.**
- 7 **(2) A township in a county having a consolidated city that has**
- 8 **not consolidated its functions with the consolidated city under**
- 9 **IC 36-6-1.1.**
- 10 **(3) A township district that consists of townships in a county**
- 11 **having a consolidated city that have consolidated functions**
- 12 **with the consolidated city under IC 36-6-1.1.**
- 13 SECTION 3. IC 3-8-1-30 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 30. A candidate
- 15 for the office of judge of a small claims court **or small claims judge**
- 16 **(as defined in IC 33-33-49-5.2) if a township consolidates its**
- 17 **functions with a consolidated city under IC 36-6-1.1 must:**
- 18 **(1) be a United States citizen upon taking office;**
- 19 **(2) either:**
- 20 **(A) have resided in the township from which the candidate is**
- 21 **elected for at least one (1) year upon taking office; or**
- 22 **(B) have been elected as a small claims court judge in the**
- 23 **township before 1999;**
- 24 **(3) be of high moral character and reputation; and**
- 25 **(4) be admitted to the practice of law in Indiana upon filing a**

1 declaration of candidacy or petition of nomination or upon the
 2 filing of a certificate of candidate selection under IC 3-13-1-15 or
 3 IC 3-13-2-8.

4 SECTION 4. IC 3-8-1-31 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 31. A candidate
 6 for the office of constable of a small claims court **or a small claims**
 7 **constable if a township consolidates its functions with a**
 8 **consolidated city under IC 36-6-1.1** must:

9 (1) have resided in the township for more than one (1) year upon
 10 taking office; and

11 (2) be at least twenty-one (21) years old upon taking office.

12 SECTION 5. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JANUARY 1, 2006]: Sec. 5. A declaration of candidacy
 14 for:

15 (1) a federal office;

16 (2) a state office;

17 (3) a legislative office; or

18 (4) the local office of:

19 (A) judge of a circuit, superior, probate, county, or, **if a**
 20 **township does not consolidate its functions with a**
 21 **consolidated city under IC 36-6-1.1, a small claims court; or**

22 (B) prosecuting attorney of a judicial circuit;

23 shall be filed with the secretary of state.

24 SECTION 6. IC 3-10-1-19 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 19. (a) The ballot
 26 for a primary election shall be printed in substantially the following
 27 form for all the offices for which candidates have qualified under
 28 IC 3-8:

29 OFFICIAL PRIMARY BALLOT

30 _____ Party

31 To vote for a person make a voting mark (X or) on or in the box
 32 before the person's name in the proper column.

33 Vote for one only

34 Representative in Congress

35 ☐ (1) AB _____

36 ☐ (2) CD _____

37 ☐ (3) EF _____

38 ☐ (4) GH _____

39 (b) The offices with candidates for nomination shall be placed on the
 40 primary election ballot in the following order:

41 (1) Federal and state offices:

42 (A) President of the United States.

43 (B) United States Senator.

44 (C) Governor.

45 (D) United States Representative.

46 (2) Legislative offices:

47 (A) State senator.

- 1 (B) State representative.
- 2 (3) Circuit offices and county judicial offices:
- 3 (A) Judge of the circuit court, and unless otherwise specified
- 4 under IC 33, with each division separate if there is more than
- 5 one (1) judge of the circuit court.
- 6 (B) Judge of the superior court, and unless otherwise specified
- 7 under IC 33, with each division separate if there is more than
- 8 one (1) judge of the superior court.
- 9 (C) Judge of the probate court.
- 10 (D) Judge of the county court, with each division separate, as
- 11 required by IC 33-30-3-3.
- 12 (E) Prosecuting attorney.
- 13 (F) Clerk of the circuit court.
- 14 (4) County offices:
- 15 (A) County auditor.
- 16 (B) County recorder.
- 17 (C) County treasurer.
- 18 (D) County sheriff.
- 19 (E) County coroner.
- 20 (F) County surveyor.
- 21 (G) County assessor.
- 22 (H) County commissioner.
- 23 (I) County council member.
- 24 (5) Township offices:
- 25 (A) Township assessor.
- 26 (B) Township trustee.
- 27 (C) Township board member.
- 28 (D) Judge of the small claims court **or small claims judge if**
- 29 **a township consolidates its functions with a consolidated**
- 30 **city under IC 36-6-1.1.**
- 31 (E) Constable of the small claims court **or small claims**
- 32 **constable if a township consolidates its functions with a**
- 33 **consolidated city under IC 36-6-1.1.**
- 34 (6) City offices:
- 35 (A) Mayor.
- 36 (B) Clerk or clerk-treasurer.
- 37 (C) Judge of the city court.
- 38 (D) City-county council member or common council member.
- 39 (7) Town offices:
- 40 (A) Clerk-treasurer.
- 41 (B) Judge of the town court.
- 42 (C) Town council member.
- 43 (c) The political party offices with candidates for election shall be
- 44 placed on the primary election ballot in the following order after the
- 45 offices described in subsection (b):
- 46 (1) Precinct committeeman.
- 47 (2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

- (1) School board offices to be elected at the primary election.
- (2) Other local offices to be elected at the primary election.
- (3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed in a separate column on the ballot if voting is by paper ballot, ballot card voting system, or electronic voting system or in a separate column of ballot labels if voting is by voting machine.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 7. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee.
- (12) Township board member.
- (13) Township assessor.
- (14) Judge of a small claims court **or small claims judge if a township consolidates its functions with the consolidated city under IC 36-6-1.1.**
- (15) Constable of a small claims court **or small claims constable if a township consolidates its functions with the consolidated city under IC 36-6-1.1.**

SECTION 8. IC 3-11-1.5-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 32.5. (a) This section applies to townships in a county containing a consolidated city **that are not consolidated into a township district established under IC 36-6-1.1.**

(b) The legislative body of a township may not change the boundary of a legislative body district established under IC 36-6-6-2.5 after

November 8 of the year preceding the year in which an election is held to elect township board members and before the day following the date on which an election is held to elect township board members.

SECTION 8. IC 3-11-2-12, AS AMENDED BY P.L.14-2004, SECTION 98, AND AS AMENDED BY P.L.98-2004, SECTION 37, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

- (A) President and Vice President of the United States.
- (B) United States Senator.
- (C) Governor and lieutenant governor.
- (D) Secretary of state.
- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction.
- ~~(I) Clerk of the supreme court.~~
- ~~(I) United States Representative.~~

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
- (E) Prosecuting attorney.
- (F) Clerk of the circuit court.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.

(5) Township offices:

- (A) Township assessor.

- 1 (B) Township trustee.
- 2 (C) Township board member.
- 3 (D) Judge of the small claims court **or small claims judge if**
- 4 **a township consolidates its functions with a consolidated**
- 5 **city under IC 36-6-1.1.**
- 6 (E) Constable of the small claims court **or small claims**
- 7 **constable if a township consolidates its functions with a**
- 8 **consolidated city under IC 36-6-1.1.**
- 9 (6) City offices:
 - 10 (A) Mayor.
 - 11 (B) Clerk or clerk-treasurer.
 - 12 (C) Judge of the city court.
 - 13 (D) City-county council member or common council member.
- 14 (7) Town offices:
 - 15 (A) Clerk-treasurer.
 - 16 (B) Judge of the town court.
 - 17 (C) Town council member.
- 18 SECTION 9. IC 3-13-1-15 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 15. (a) A county
- 20 chairman filling a candidate vacancy under section 6(a)(2) of this
- 21 chapter or the chairman of a meeting filling a candidate vacancy under
- 22 this chapter shall file a written certificate of candidate selection on a
- 23 form prescribed by the commission stating the following information
- 24 for each candidate selected:
 - 25 (1) The name of each candidate as:
 - 26 (A) the candidate wants the candidate's name to appear on the
 - 27 ballot; and
 - 28 (B) the candidate's name is permitted to appear on the ballot
 - 29 under IC 3-5-7.
 - 30 (2) The residence address of each candidate.
- 31 (b) The certificate shall be filed with:
 - 32 (1) the election division for:
 - 33 (A) a committee acting under section 3, 4, 5, or 6(b) of this
 - 34 chapter; or
 - 35 (B) a committee acting under section 6(a) of this chapter to fill
 - 36 a candidate vacancy in the office of judge **or small claims**
 - 37 **judge (if a township consolidates its functions with the**
 - 38 **consolidated city under IC 36-6-1.1)** of a circuit, superior,
 - 39 probate, **or county court,** or a small claims court **(if a**
 - 40 **township consolidates its functions with the consolidated**
 - 41 **city under IC 36-6-1.1),** or prosecuting attorney; or
 - 42 (2) the circuit court clerk, for a committee acting under section
 - 43 6(a) of this chapter to fill a candidate vacancy for a local office
 - 44 not described in subdivision (1).
 - 45 (c) This subsection applies to a candidate vacancy resulting from a
 - 46 vacancy on the primary election ballot as described in section 2 of this
 - 47 chapter. The certificate required by subsection (a) shall be filed not later

than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 10. IC 3-13-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or

(B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge **or small claims judge (if a township consolidates its functions with the consolidated city under IC 36-6-1.1)** of a circuit, superior, probate, county, or small claims court **(if a township consolidates its functions with the consolidated city under IC 36-6-1.1)** or prosecuting attorney; or

(2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision

(1).

(c) The certificate required by section (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

SECTION 11. IC 3-13-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 5. **(a) Except as provided in subsection (b),** a vacancy in the office of:

(1) judge of a small claims court; or

(2) small claims court constable;

not covered by section 1 of this chapter shall be filled by the township board at a regular or special meeting. The chairman of the township board shall give notice of the meeting, which shall be held within thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each board member at least ten (10) days before the meeting.

(b) This subsection applies if a township consolidates its functions with a consolidated city under IC 36-6-1.1. A vacancy in the office of:

(1) small claims judge; or

(2) small claims constable;

not covered by section 1 of this chapter shall be filled by the mayor of the consolidated city.

SECTION 12. IC 4-4-6.1-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.6. (a) This section applies to records and other information, including records and information that are otherwise confidential, maintained by the following:

(1) The board.

(2) An urban enterprise association.

(3) The department of state revenue.

(4) The department of commerce.

(5) The department of local government finance.

(6) A county auditor.

(7) A controller for a consolidated city.

~~(7)~~ (8) A township assessor or a county assessor if a township consolidates its functions with a consolidated city under IC 36-6-1.1.

(b) A person listed in subsection (a) may request a second person described in subsection (a) to provide any records or other information maintained by the second person that concern an individual or business that is receiving a tax deduction, exemption, or credit related to an enterprise zone. Notwithstanding any other law, the person to whom the request is made under this section must comply with the request. A person receiving records or information under this section that are confidential must also keep the records or information confidential.

(c) A person who receives confidential records or information under this section and knowingly or intentionally discloses the records or information to an unauthorized person commits a Class A misdemeanor."

Delete pages 2 through 7.

Page 8, delete lines 1 through 36.

Page 19, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 20. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) Of the circuit court clerk, officers of a political subdivision or school corporation, and constables of a small claims court, **or small claims constables (if a township consolidates its functions with a consolidated city under IC 36-6-1.1)** in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 21. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

(1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.

(2) A member of the general assembly shall notify the following, whichever applies:

(A) A member of the senate shall notify the president pro tempore of the senate.

(B) A member of the house of representatives shall notify the speaker of the house of representatives.

(3) The following officers commissioned by the governor under IC 4-3-1-5 shall notify the governor:

(A) An elector or alternate elector for President and Vice President of the United States.

(B) The secretary of state, auditor of state, treasurer of state, superintendent of public instruction, or attorney general.

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge of a circuit, city, county, probate, superior, town or township small claims court, **or a small claims judge (if a township consolidates its functions with a consolidated city under IC 36-6-1.1).**

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer,

1 county sheriff, county coroner, or county surveyor.

2 (4) An officer of a political subdivision (as defined by
3 IC 36-1-2-13) other than an officer listed in subdivision (3) shall
4 notify the circuit court clerk of the county containing the largest
5 percentage of population of the political subdivision.

6 (5) An officer not listed in subdivisions (1) through (4) shall
7 notify the person or entity from whom the officer received the
8 officer's appointment.

9 (b) A person or an entity that receives notice of a resignation and
10 does not have the power to fill the vacancy created by the resignation
11 shall, not later than seventy-two (72) hours after receipt of the notice of
12 resignation, give notice of the vacancy to the person or entity that has
13 the power to:

14 (1) fill the vacancy; or

15 (2) call a caucus for the purpose of filling the vacancy.".

16 Page 20, delete lines 1 through 33.

17 Page 25, delete lines 4, through 42, begin a new paragraph and
18 insert:

19 "SECTION 26. IC 5-10.1-1-6 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6. "Governing
21 body" means the fiscal body of a county, city, town, ~~or~~ township, **or**
22 **township district (as defined in IC 36-6-4.1-5)**, a trustee, the
23 township board, board of school commissioners, library board, or any
24 board which by law is authorized to fix a rate of taxation on property
25 of a political subdivision, or any other board which is empowered to
26 administer the affairs of any department of, or associated with, a
27 political subdivision, which department receives revenue independently
28 of, or in addition to, funds obtained from taxation.

29 SECTION 27. IC 5-10.1-1-7 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. Political
31 Subdivision. "Political subdivision" as used in this article means a
32 county, city, town, township, **township district (as defined in**
33 **IC 36-6-4.1-5)**, political body corporate, political entity, local housing
34 authority, public school corporation, public library, public utility of a
35 county, city, town, or township whether the public utility is operated by
36 the city or town or under the terms of a trusteeship for the benefit of the
37 city or town, and a department of, or associated with, a county, city,
38 town, or township, which department receives revenue independently
39 of, or in addition to, funds obtained through taxation. A state agency or
40 a judicial circuit may not be construed as a political subdivision.

41 SECTION 28. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
43 JANUARY 1, 2007]:

44 **Chapter 1.5. County Assessor Performs Township Assessor**
45 **Duties**

46 **Sec. 1. In a county having a consolidated city, the county**
47 **assessor has the same duties and responsibilities for the townships**

1 **in the county that have consolidated functions with the consolidated**
 2 **city under IC 36-6-1.1 that the township assessor has for the**
 3 **township in a county that does not have a consolidated city.**

4 SECTION 29. IC 6-1.1-3-17 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) ~~On or~~
 6 ~~before June 1 of each year;~~ **This subsection applies to each township**
 7 **assessor of:**

8 **(1) a county not having a consolidated city; or**

9 **(2) a township in a county having a consolidated that does not**
 10 **consolidate its functions with the consolidated city under**
 11 **IC 36-6-1.1.**

12 **On or before June 1 of each year, each township assessor** shall
 13 deliver to the county assessor a list which states by taxing district the
 14 total of the personal property assessments as shown on the personal
 15 property returns filed with the **township** assessor on or before the filing
 16 date of that year and in a county with a township assessor under
 17 IC 36-6-5-1 in every township the township assessor shall deliver the
 18 lists to the county auditor as prescribed in subsection (b).

19 (b) On or before July 1 of each year, each county assessor shall
 20 certify to the county auditor the assessment value of the personal
 21 property in every taxing district.

22 (c) The department of local government finance shall prescribe the
 23 forms required by this section.

24 SECTION 30. IC 6-1.1-4-13.8 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.8. (a) As used
 26 in this section, "commission" refers to a county land valuation
 27 commission established under subsection (b).

28 (b) A county land valuation commission is established in each
 29 county for the purpose of determining the value of commercial,
 30 industrial, and residential land (including farm homesites) in the county.

31 (c) The county assessor is chairperson of the commission.

32 (d) The following are members of the commission:

33 (1) The county assessor. The county assessor shall cast a vote
 34 only to break a tie.

35 (2) Each township assessor, when the respective township land
 36 values for that township assessor's township are under
 37 consideration. **However, in a county having a consolidated city,**
 38 **only a township assessor of a township that does not**
 39 **consolidate its functions with the consolidated city may serve**
 40 **on the board.** A township assessor serving under this subdivision
 41 shall vote on all matters relating to the land values of that
 42 township assessor's township.

43 (3) One (1) township assessor from the county to be appointed by
 44 a majority vote of all the township assessors in the county.
 45 **However, in a county having a consolidated city, only a**
 46 **township assessor of a township that does not consolidate its**
 47 **functions with the consolidated city may be appointed under**

this subdivision.

(4) One (1) county resident who:

(A) holds a license under IC 25-34.1-3 as a salesperson or broker; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(5) Four (4) individuals who:

(A) are appointed by the county executive (as defined in IC 36-1-2-5); and

(B) represent one (1) of the following four (4) kinds of land in the county:

(i) Agricultural.

(ii) Commercial.

(iii) Industrial.

(iv) Residential.

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.

(6) One (1) individual who:

(A) represents financial institutions in the county; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(e) The term of each member of the commission begins November 1 of the year that precedes by two (2) years the year in which a general reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year in which the general reassessment begins under IC 6-1.1-4-4. The appointing authority may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the department of local government finance relating to the determination of land values to the county property tax assessment board of appeals and the department of local government finance. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of

1 appeals shall give notice of the hearing in accordance with IC 5-3-1 and
 2 shall hold the hearing after March 31 of the year preceding the year in
 3 which the general reassessment begins and before January 1 of the year
 4 in which the general reassessment under IC 6-1.1-4-4 begins.

5 (g) The county property tax assessment board of appeals shall
 6 review the values, data, and information submitted under subsection (f)
 7 and may make any modifications it considers necessary to provide
 8 uniformity and equality. The county property tax assessment board of
 9 appeals shall coordinate the valuation of property adjacent to the
 10 boundaries of the county with the county property tax assessment
 11 boards of appeals of the adjacent counties using the procedures adopted
 12 by rule under IC 4-22-2 by the department of local government finance.
 13 If the commission fails to submit land values under subsection (f) to the
 14 county property tax assessment board of appeals before January 1 of the
 15 year the general reassessment under IC 6-1.1-4-4 begins, the county
 16 property tax assessment board of appeals shall determine the values.

17 (h) The county property tax assessment board of appeals shall give
 18 notice to the county and township assessors, **if any**, of its decision on
 19 the values. The notice must be given before March 1 of the year the
 20 general reassessment under IC 6-1.1-4-4 begins. Not later than twenty
 21 (20) days after that notice, the county assessor or a township assessor,
 22 **if any**, in the county may request that the county property tax
 23 assessment board of appeals reconsider the values. The county property
 24 tax assessment board of appeals shall hold a hearing on the
 25 reconsideration in the county. The county property tax assessment
 26 board of appeals shall give notice of the hearing under IC 5-3-1.

27 (i) Not later than twenty (20) days after notice to the county
 28 **assessor** and township assessor, **if any**, is given under subsection (h),
 29 a taxpayer may request that the county property tax assessment board
 30 of appeals reconsider the values. The county property tax assessment
 31 board of appeals may hold a hearing on the reconsideration in the
 32 county. The county property tax assessment board of appeals shall give
 33 notice of the hearing under IC 5-3-1.

34 (j) A taxpayer may appeal the value determined under this section
 35 as applied to the taxpayer's land as part of an appeal filed under
 36 IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a
 37 taxpayer that files an appeal under IC 6-1.1-15 requests the values,
 38 data, or information received by the county property tax assessment
 39 board of appeals under subsection (f), the county property tax
 40 assessment board of appeals shall satisfy the request. The department
 41 of local government finance may modify the taxpayer's land value and
 42 the value of any other land in the township, the county where the
 43 taxpayer's land is located, or the adjacent county if the department of
 44 local government finance determines it is necessary to provide
 45 uniformity and equality.

46 (k) The county assessor shall notify all township assessors, **if any**,
 47 in the county of the values as determined by the commission and as

1 modified by the county property tax assessment board of appeals or
 2 department of local government finance under this section. Township
 3 assessors shall use the values determined under this section.

4 SECTION 31. IC 6-1.1-4-25 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25. (a) Each
 6 township assessor shall keep the assessor's reassessment data and
 7 records current by securing the necessary field data and by making
 8 changes in the assessed value of real property as changes occur in the
 9 use of the real property. The township assessor's records shall at all
 10 times show the assessed value of real property in accordance with the
 11 provisions of this chapter. The township assessor shall ensure that the
 12 county assessor has full access to the assessment records maintained by
 13 the township assessor.

14 (b) The township assessor **for a township** in a county having a
 15 consolidated city **that does not consolidate its functions with the**
 16 **consolidated city under IC 36-6-1.1** or the county assessor in every
 17 other county **or in a township in a county having a consolidated city**
 18 **that consolidates its functions with the consolidated city under**
 19 **IC 36-6-1.1** shall:

- 20 (1) maintain an electronic data file of:
 - 21 (A) the parcel characteristics and parcel assessments of all
 - 22 parcels; and
 - 23 (B) the personal property return characteristics and
 - 24 assessments by return;
- 25 for each township in the county as of each assessment date;
- 26 (2) maintain the file in the form required by:
 - 27 (A) the legislative services agency; and
 - 28 (B) the department of local government finance; and
- 29 (3) transmit the data in the file with respect to the assessment date
- 30 of each year before October 1 of the year to:
 - 31 (A) the legislative services agency; and
 - 32 (B) the department of local government finance.

33 SECTION 32. IC 6-1.1-4-28.5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 28.5. (a) Money
 35 assigned to a property reassessment fund under section 27.5 of this
 36 chapter may be used only to pay the costs of:

- 37 (1) the general reassessment of real property, including the
- 38 computerization of assessment records;
- 39 (2) payments to county assessors, members of property tax
- 40 assessment boards of appeals, or assessing officials under
- 41 IC 6-1.1-35.2;
- 42 (3) the development or updating of detailed soil survey data by the
- 43 United States Department of Agriculture or its successor agency;
- 44 (4) the updating of plat books; and
- 45 (5) payments for the salary of permanent staff or for the
- 46 contractual services of temporary staff who are necessary to assist
- 47 county assessors, members of a county property tax assessment

1 board of appeals, and assessing officials.

2 (b) All counties shall use modern, detailed soil maps in the general
3 reassessment of agricultural land.

4 (c) The county treasurer of each county shall, in accordance with
5 IC 5-13-9, invest any money accumulated in the property reassessment
6 fund until the money is needed to pay general reassessment expenses.
7 Any interest received from investment of the money shall be paid into
8 the property reassessment fund.

9 (d) **Except as provided in subsection (e)**, an appropriation under
10 this section must be approved by the fiscal body of the county after the
11 review and recommendation of the county assessor. ~~However, in a~~
12 ~~county with an elected township assessor under IC 36-6-5-1 in every~~
13 ~~township;~~

14 (e) **This subsection applies to a township in a county that does**
15 **not consolidate its functions with the consolidated city under**
16 **IC 36-6-1.1.** The county assessor does not review an appropriation
17 under this section, and only the fiscal body must approve an
18 appropriation under this section.

19 SECTION 33. IC 6-1.1-5-14 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) **Except as**
21 **provided in subsection (b)**, not later than May 15, each assessing
22 official shall prepare and deliver to the county assessor a detailed list
23 of the real property listed for taxation in the township. On or before
24 July 1 of each year, each county assessor shall, under oath, prepare and
25 deliver to the county auditor a detailed list of the real property listed for
26 taxation in the county.

27 (b) ~~In a county with an elected township assessor under IC 36-6-5-1~~
28 ~~in every township the township assessor shall prepare the real property~~
29 ~~list. This subsection applies to a township in a county having a~~
30 **consolidated city that does not consolidate its functions with the**
31 **consolidated city under IC 36-6-1.1.** The assessing officials and the
32 county assessor shall prepare the list in the form prescribed by the
33 department of local government finance. The township assessor shall
34 ensure that the county assessor has full access to the assessment records
35 maintained by the township assessor.

36 SECTION 34. IC 6-1.1-5.5-3 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Before
38 filing a conveyance document with the county auditor under
39 IC 6-1.1-5-4, all the parties to the conveyance must complete and sign
40 a sales disclosure form as prescribed by the department of local
41 government finance under section 5 of this chapter. All the parties may
42 sign one (1) form, or if all the parties do not agree on the information
43 to be included on the completed form, each party may sign and file a
44 separate form.

45 (b) Except as provided in subsection (c), the auditor shall forward
46 each sales disclosure form to the county assessor. The county assessor
47 shall retain the forms for five (5) years. The county assessor shall

forward the sales disclosure form data to the department of local government finance and the legislative services agency:

- (1) before January 1, 2005, in an electronic format, if possible; and
- (2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county, **if any**. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(c) ~~In a county containing a consolidated city, This subsection applies to a township in a county having a consolidated city that does not consolidate its functions with the consolidated city under IC 36-6-1.1.~~ The auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency:

- (1) before January 1, 2005, in an electronic format, if possible; and
- (2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

SECTION 35. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) A party to a conveyance who:

- (1) is required to file a sales disclosure form under this chapter; and
- (2) fails to file a sales disclosure form at the time and in the manner required by this chapter;

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

- (1) one hundred dollars (\$100); or
- (2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) The township assessor **of a township** in a county containing a

consolidated city **that does not consolidate its functions with the consolidated city under IC 36-6-1.1** or the county assessor ~~in any other county~~, shall:

- (1) determine the penalty imposed under this section;
- (2) assess the penalty to the party to a conveyance; and
- (3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

- (1) collect the penalty imposed under this section;
- (2) deposit penalty collections as required under section 4 of this chapter; and
- (3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 36. IC 6-1.1-8-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Each year a township assessor shall assess the fixed property which as of the assessment date of that year is:

- (1) owned or used by a public utility company; and
- (2) located in the township the township assessor serves.

(b) The township assessor shall determine the assessed value of fixed property. **Except as provided in subsection (c),** the township assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. However, in a **township in a county with an elected township assessor under IC 36-6-5-1 in every township the township having a consolidated city that does not consolidate its functions with the consolidated city under IC 36-6-1.1,** the assessor shall certify the list to the department of local government finance.

(c) In a township in a county having a consolidated city that consolidates its functions with the consolidated city under IC 36-6-1.1, the county assessor shall certify the list to the department of local government finance.

(d) The county assessor shall review the assessed values and shall certify the assessed values to the department of local government finance on or before April 10 of the year of assessment.

SECTION 37. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 21. (a) **The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1, IC 36-3-1-6.3, or IC 36-6-1.1-4.**

(b) For property taxes first due and payable each year beginning in 2007, the maximum permissible ad valorem property tax levy for

1 **a consolidated city is increased each year by an amount equal to the**
 2 **lesser of:**

3 **(1) the difference between:**

4 **(A) the maximum permissible ad valorem property tax levy**
 5 **under section 3 of this chapter for the current year for the**
 6 **consolidated city's fire special service district created**
 7 **under IC 36-3-1-6; and**

8 **(B) the amount levied that year for the fire special service**
 9 **district; or**

10 **(2) ten percent (10%) of the maximum permissible ad valorem**
 11 **property tax levy under section 3 of this chapter for property**
 12 **taxes first due and payable in 2006 for the consolidated city's**
 13 **fire special service district created under IC 36-3-1-6.**

14 SECTION 38. IC 6-1.1-28-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **This**
 16 **section applies to all counties except a county having a consolidated**
 17 **city.** Each county shall have a county property tax assessment board of
 18 appeals composed of individuals who are at least eighteen (18) years of
 19 age and knowledgeable in the valuation of property. In addition to the
 20 county assessor, only one (1) other individual who is an officer or
 21 employee of a county or township may serve on the board of appeals
 22 in the county in which the individual is an officer or employee. The
 23 fiscal body of the county shall appoint two (2) individuals to the board.
 24 At least one (1) of the members appointed by the county fiscal body
 25 must be a certified level two assessor-appraiser. The board of
 26 commissioners of the county shall appoint two (2) freehold members so
 27 that not more than three (3) of the five (5) members ~~may be~~ **are** of the
 28 same political party and so that at least three (3) of the five (5) members
 29 are residents of the county. At least one (1) of the members appointed
 30 by the board of county commissioners must be a certified level two
 31 assessor-appraiser. However, if the county assessor is a certified level
 32 two assessor-appraiser, the board of county commissioners may waive
 33 the requirement in this subsection that one (1) of the freehold members
 34 appointed by the board of county commissioners must be a certified
 35 level two assessor-appraiser. A person appointed to a property tax
 36 assessment board of appeals may serve on the property tax assessment
 37 board of appeals of another county at the same time. The members of
 38 the board shall elect a president. The employees of the county assessor
 39 shall provide administrative support to the property tax assessment
 40 board of appeals. The county assessor is a voting member of the
 41 property tax assessment board of appeals. The county assessor shall
 42 serve as secretary of the board. The secretary shall keep full and
 43 accurate minutes of the proceedings of the board. A majority of the
 44 board that includes at least one (1) certified level two assessor-appraiser
 45 constitutes a quorum for the transaction of business. Any question
 46 properly before the board may be decided by the agreement of a
 47 majority of the whole board.

(b) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

(1) who are willing to serve on the board; and

(2) whose political party membership status would satisfy the requirement in subsection ~~(c)(1)~~: **(a)**.

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

(1) residents of the county;

(2) certified level two Indiana assessor-appraisers; and

(3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

SECTION 39. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 1.5. (a) This section applies to a county having a consolidated city. The county property tax assessment board of appeals is established, composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, who serves as a nonvoting member, only one (1) other individual who is an officer or employee of the county may serve on the board of appeals. The fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two Indiana assessor-appraiser. The board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) voting members are of the same political party and so that at least three (3) of the five (5) voting members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two Indiana assessor-appraiser. One (1) of the members appointed by the board of county commissioners must be a representative of a neighborhood or taxpayer organization located in the county. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the**

proceedings of the board. A majority of the voting members of the board that includes at least one (1) certified level two Indiana assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the voting members of the board.

(b) The county fiscal body and board of commissioners of the county may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals are of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

(1) who are willing to serve on the board; and

(2) whose political party membership status would satisfy the requirement in subsection (a).

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

(1) residents of the county;

(2) certified level two Indiana assessor-appraisers; and

(3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

SECTION 40. IC 6-1.1-31.5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.5. (a) After December 31, 1998, each county shall maintain a state certified computer system that has the capacity to:

(1) process and maintain assessment records;

(2) process and maintain standardized property tax forms;

(3) process and maintain standardized property assessment notices;

(4) maintain complete and accurate assessment records for the county; and

(5) process and compute complete and accurate assessments in accordance with Indiana law.

(b) This subsection applies to:

(1) a county not having a consolidated city; and

(2) any township in a county having a consolidated city that consolidates its functions with the consolidated city under IC 36-6-1.1.

The county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county. ~~except in a county with a township assessor elected under IC 36-6-5-1 in every township. In a county with an elected township assessor under IC 36-6-5-1 in every township;~~

(c) This subsection applies to a township in a county having a consolidated city that consolidates its functions with the consolidated city under IC 36-6-1.1. The elected township assessors county assessor shall select a computer system, based on a majority vote of the township assessors in the county.

(b) (d) All information on the computer system shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

(c) (e) The certified system used by the counties must be compatible with the data export and transmission requirements in a standard format prescribed by the department of local government finance. The certified system must be maintained in a manner that ensures prompt and accurate transfer of data to the department.

(d) (f) All standardized property forms and notices on the certified computer system shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county."

Delete pages 26 through 35.

Page 36, delete lines 1 through 40.

Page 37, delete lines 9 through 42, begin a new paragraph and insert:
"SECTION 42. IC 6-2.5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A retail merchant may not make a retail transaction in Indiana, unless ~~he~~ **the retail merchant** has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a registration fee of twenty-five dollars (\$25) for each place of business listed on the application. The retail merchant shall also provide such security for payment of the tax as the department may require under IC 6-2.5-6-12.

(c) The retail merchant shall list on the application the location (including the township) of each place of business where ~~he~~ **the merchant** makes retail transactions. However, if the retail merchant does not have a fixed place of business, ~~he~~ **the merchant** shall list ~~his~~ **the merchant's** residence as ~~his~~ **the merchant's** place of business. In addition, a public utility may list only its principal Indiana office as its place of business for sales of public utility commodities or service, but the utility must also list on the application the places of business where it makes retail transactions other than sales of public utility commodities or service.

(d) Upon receiving a proper application, the correct fee, and the security for payment, if required, the department shall issue to the retail

1 merchant a separate registered retail merchant's certificate for each
 2 place of business listed on the application. Each certificate shall bear a
 3 serial number and the location of the place of business for which it is
 4 issued.

5 (e) If a retail merchant intends to make retail transactions during a
 6 calendar year at a new Indiana place of business, ~~he~~ **the retail**
 7 **merchant** must file a supplemental application and pay the fee for that
 8 place of business.

9 (f) A retail merchant engaged in business in Indiana as defined in
 10 IC 6-2.5-3-1(c) who makes retail transactions that are only subject to
 11 the use tax must obtain a registered retail merchant's certificate before
 12 making those transactions. The retail merchant may obtain the
 13 certificate by following the same procedure as a retail merchant under
 14 subsections (b) and (c), except that the retail merchant must also
 15 include on the application:

- 16 (1) the names and addresses of the retail merchant's principal
- 17 employees, agents, or representatives who engage in Indiana in
- 18 the solicitation or negotiation of the retail transactions;
- 19 (2) the location of all of the retail merchant's places of business in
- 20 Indiana, including offices and distribution houses; and
- 21 (3) any other information that the department requests.

22 (g) The department may permit an out-of-state retail merchant to
 23 collect the use tax. However, before the out-of-state retail merchant
 24 may collect the tax, ~~he~~ **the retail merchant** must obtain a registered
 25 retail merchant's certificate in the manner provided by this section.
 26 Upon receiving the certificate, the out-of-state retail merchant becomes
 27 subject to the same conditions and duties as an Indiana retail merchant
 28 and must then collect the use tax due on all sales of tangible personal
 29 property that ~~he~~ **the retail merchant** knows is intended for use in
 30 Indiana.

31 (h) The department shall submit to the township assessor **or, in the**
 32 **case of a township located in a county having a consolidated city**
 33 **that consolidates its functions with the consolidated city under**
 34 **IC 36-6-1.1, the county assessor** before July 15 of each year:

- 35 (1) the name of each retail merchant that has newly obtained a
- 36 registered retail merchant's certificate between March 2 of the
- 37 preceding year and March 1 of the current year for a place of
- 38 business located in the township **or county, as appropriate;** and
- 39 (2) the address of each place of business of the taxpayer in the
- 40 township **or county, as appropriate.**

41 SECTION 43. IC 6-3.5-6-18.5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 18.5. (a) This
 43 section applies to a county containing a consolidated city.

44 (b) Notwithstanding section 18(e) of this chapter, the distributive
 45 shares that each civil taxing unit in a county containing a consolidated
 46 city is entitled to receive during a month equals the following:

- 47 (1) For the calendar year beginning January 1, 1995, calculate the

1 total amount of revenues that are to be distributed as distributive
2 shares during that month multiplied by the following factor:

3	Center Township	.0251
4	Decatur Township	.00217
5	Franklin Township	.0023
6	Lawrence Township	.01177
7	Perry Township	.01130
8	Pike Township	.01865
9	Warren Township	.01359
10	Washington Township	.01346
11	Wayne Township	.01307
12	Lawrence-City	.00858
13	Beech Grove	.00845
14	Southport	.00025
15	Speedway	.00722
16	Indianapolis/Marion County	.86409

17 (2) Notwithstanding subdivision (1), for the calendar year
18 beginning January 1, 1995, the distributive shares for each civil
19 taxing unit in a county containing a consolidated city shall be not
20 less than the following:

21	Center Township	\$1,898,145
22	Decatur Township	\$164,103
23	Franklin Township	\$173,934
24	Lawrence Township	\$890,086
25	Perry Township	\$854,544
26	Pike Township	\$1,410,375
27	Warren Township	\$1,027,721
28	Washington Township	\$1,017,890
29	Wayne Township	\$988,397
30	Lawrence-City	\$648,848
31	Beech Grove	\$639,017
32	Southport	\$18,906
33	Speedway	\$546,000

34 (3) For each year after 1995, calculate the total amount of
35 revenues that are to be distributed as distributive shares during
36 that month as follows:

37 STEP ONE: Determine the total amount of revenues that were
38 distributed as distributive shares during that month in calendar
39 year 1995.

40 STEP TWO: Determine the total amount of revenue that the
41 department has certified as distributive shares for that month
42 under section 17 of this chapter for the calendar year.

43 STEP THREE: Subtract the STEP ONE result from the STEP
44 TWO result.

45 STEP FOUR: If the STEP THREE result is less than or equal
46 to zero (0), multiply the STEP TWO result by the ratio
47 established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) For each year after 2005 the revenues to be distributed as distributive shares during each month to a township that consolidates its functions under IC 36-6-1.1 are instead distributed as additional distributive shares to Indianapolis/Marion County and the township's distributive share is reduced to zero (0)."

Delete pages 38 through 40.

1 Page 41, delete lines 1 through 8.

2 Page 47, line 15, after "IC 36-8-10.1-8)" insert ".".

3 Page 47, delete lines 31 through 39, begin a new paragraph and
4 insert:

5 "SECTION 51. IC 10-18-5-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. A township
7 trustee **for a township in a county not having a consolidated city, or**
8 **for a township in a county having a consolidated city that does not**
9 **consolidate its functions with the consolidated city under**
10 **IC 36-6-1.1**, may receive as public property a monument or memorial
11 built:

12 (1) in the township;

13 (2) in honor of the township's soldiers or marines; and

14 (3) by the people with public donations;

15 if the people of the township want to give the monument or memorial
16 to the township."

17 Page 49, delete lines 29 through 42, begin a new paragraph and
18 insert:

19 "SECTION 53. IC 12-7-2-192.6 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2005]: **Sec. 192.6. "Township" for purposes**
22 **of IC 12-20 and IC 12-30-4, means a:**

23 **(1) civil township; or**

24 **(2) township district (as defined in IC 3-5-2-49.1).**

25 SECTION 54. IC 14-21-1-13.5 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 13.5. (a) The
27 division may conduct a program to survey and register in a registry of
28 Indiana cemeteries and burial grounds that the division establishes and
29 maintains all cemeteries and burial grounds in each county in Indiana.
30 The division may conduct the program alone or by entering into an
31 agreement with one (1) or more of the following entities:

32 (1) The Indiana Historical Society established under IC 23-6-3.

33 (2) A historical society as defined in IC 20-5-17.5-1(a).

34 (3) The Historic Landmarks Foundation of Indiana.

35 (4) A professional archeologist or historian associated with a
36 college or university.

37 (5) A township trustee:

38 **(A) of a township in a county not having a consolidated**
39 **city; or**

40 **(B) of a township in a county having a consolidated city if**
41 **the township does not consolidate its functions with the**
42 **consolidated city under IC 36-6-1.1.**

43 (6) Any other entity that the division selects.

44 (b) In conducting a program under subsection (a), the division may
45 receive gifts and grants under terms, obligations, and liabilities that the
46 director considers appropriate. The director shall use a gift or grant
47 received under this subsection:

(1) to carry out subsection (a); and

(2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470(w) and 16 U.S.C. 470(h)(h).

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 55. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 0.5. (a) This section applies to a township in a county having a consolidated city.**

(b) If a township consolidates its functions with the consolidated city under IC 36-6-1.1, the duties of a township trustee under this chapter shall be transferred to the consolidated city.

SECTION 56. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

(b) As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

(c) As used in this chapter, "fund" means:

(1) the township fund for a township in a county:

(A) not having a consolidated city;

(B) having a consolidated city if the township does not consolidate its functions with the consolidated city under IC 36-6-1.1; or

(2) the appropriate fund of the consolidated city for a

1 township in a county having a consolidated city if the
 2 township consolidates its functions with the consolidated city
 3 under IC 36-6-1.1.

4 (d) As used in this chapter, "township trustee" or "trustee"
 5 means:

6 (1) a township trustee for a township in a county:

7 (A) not having a consolidated city; or

8 (B) having a consolidated city, if the township does not
 9 consolidate its functions with the consolidated city under
 10 IC 36-6-1.1; or

11 (2) the consolidated city for a township in a county having a
 12 consolidated city, if the township consolidates its functions
 13 under IC 36-6-1.1.

14 (c) (e) A person owning or possessing real estate in Indiana shall
 15 destroy detrimental plants by cutting or mowing and, if necessary, by
 16 plowing, cultivating, or smothering, or by the use of chemicals in the
 17 bud stage of growth or earlier, to prevent those detrimental plants from
 18 maturing on any such real estate."

19 Page 52, delete lines 25 through 42, begin a new paragraph and
 20 insert:

21 "SECTION 58. IC 15-3-4-3 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 3. (a) The
 23 township trustee may pay for the chemicals, work, and labor performed
 24 in cutting or destroying detrimental plants under this chapter at a rate
 25 per hour to be fixed by the township trustee commensurate with local
 26 hourly wages.

27 (b) In all cases in which the infestation of the land with detrimental
 28 plants is so great and widespread as in the opinion of the trustee to
 29 render such cutting or eradication by hand methods impractical, the
 30 trustee shall engage the necessary power machinery or equipment and
 31 may pay for the work at a rate per hour fixed by the township trustee,
 32 commensurate with the local hourly rate.

33 (c) When the work has been performed, the person doing the work
 34 shall file an itemized bill for the work ~~in the office of~~ with the trustee,
 35 ~~of the township~~, and when the bill has been approved the trustee shall
 36 pay the bill out of the ~~township~~ fund. The trustee of the township shall
 37 certify the cost or expense of the work, and the cost of the chemicals,
 38 adding to such bill twenty dollars (\$20) per day for each day that the
 39 trustee or the trustee's agent supervises the performance of the services
 40 required under this chapter as compensation for services, with a
 41 description of the real estate on which the labor was performed.

42 (d) The certified statement of costs prepared under subsection (c)
 43 shall be mailed using certificate of mailing to, or personally served on,
 44 the owner or person possessing the real estate. The certified statement
 45 shall be mailed to the auditor of state for any real estate owned by the
 46 state or to the fiscal officer of another municipality (as defined in
 47 IC 5-11-1-16) for real estate owned by the municipality. The statement

1 shall request that the person pay the cost of performing the service
2 under subsection (c) to the township trustee.

3 (e) If the owner or person in possession of the property does not pay
4 the amount set forth in the statement within ten (10) days after
5 receiving the notice under subsection (d), the township trustee shall file
6 a copy of the certified statement in the office of the county auditor of
7 the county where the real estate is located. **However, if the township**
8 **is in a county having a consolidated city, and the township**
9 **consolidates its functions with the consolidated city under**
10 **IC 36-6-1.1, the township trustee shall file a copy of the certified**
11 **statement in the office of the city controller.**

12 (f) The auditor **or the city controller** shall place the amount claimed
13 in the certified statement on the tax duplicate of the real estate. Except
14 as provided in subsections (j) through (l), the amount claimed shall be
15 collected as taxes are collected.

16 (g) After an amount described in subsection (f) is collected, the
17 funds shall be deposited in the ~~trustee's township funds fund~~ **fund** for use at
18 the discretion of the trustee.

19 (h) If there is no money available in ~~a the township~~ fund for that
20 purpose, ~~the township board~~ upon finding an emergency exists:

21 **(1) in a township located in a county that does not have a**
22 **consolidated city, or in a township in a county having a**
23 **consolidated city that does not consolidate its functions with**
24 **the consolidated city under IC 36-6-1.1, the township**
25 **legislative body, shall act under IC 36-6-6-14(b) or IC 36-6-6-15;**
26 **or**

27 **(2) in a township in a county having a consolidated city that**
28 **consolidates its functions with the consolidated city under**
29 **IC 36-6-1.1, the consolidated city shall act under IC 36-3-4;**

30 to borrow a sum of money sufficient to meet the emergency.

31 (i) The trustee, when submitting estimates to the ~~township board~~
32 **legislative body** for action, shall include in the estimates an item
33 sufficient to cover those expenditures.

34 (j) This subsection applies to real estate owned by the state. The
35 auditor of state shall issue a warrant to pay the amount set forth in the
36 certified statement of costs for real estate owned by the state and shall
37 charge the appropriate fund for the amount.

38 (k) This subsection applies to real estate owned by a municipality
39 (as defined in IC 5-11-1-16) other than the township **or a consolidated**
40 **city**. The fiscal officer of the municipality shall make the necessary
41 appropriation from the appropriate fund to pay the township the amount
42 set forth in the certified statement of costs for real estate owned by the
43 municipality.

44 (l) This subsection applies to real estate that is exempt from property
45 taxation. The owner of the tax exempt real estate shall pay the amount
46 set forth in the certified statement of costs for the tax exempt real estate.
47 If the owner of the tax exempt real estate fails to pay the amount

required by this chapter, the owner is ineligible for the property tax exemption and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 59. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township is in a county having a consolidated city and the township has consolidated its functions with the consolidated city under IC 36-6-1.1, the city controller**, upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, ~~or townships~~, **or consolidated city**, the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township~~ fund."

Delete page 53.

Page 54, delete lines 1 through 20.

Page 55, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 63. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

(A) In a county not having a consolidated city, a township trustee of a township in the county.

(B) In a county having a consolidated city, the director of the department of the consolidated city that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.

(2) One (1) soil and water conservation district supervisor.

(3) A representative from the agricultural community of the county.

(4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~

(5) A cooperative extension service agent from the county to serve in nonvoting advisory capacity.

(6) In a county having a consolidated city, if any township has not consolidated its functions with the consolidated city under IC 36-6-1.1, one (1) additional member shall be appointed who is a trustee from a township that has not consolidated its functions with the city.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman and a secretary. The members of the board are

not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants, and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 64. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **township boards of townships in a county having a consolidated city that have not consolidated functions with the consolidated city under IC 36-6-1.1**, public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 65. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "assessor" means:**

(1) for a township located in a county not having a consolidated city:

(A) the township assessor elected under IC 36-6-5-1; or

(B) the township trustee who is required by law to act as the assessor for the township the trustee serves;

(2) for a township located in a county having a consolidated city that does not consolidate its functions with the consolidated city under IC 36-6-1.1, the township assessor elected under IC 36-6-5-1; or

(3) for a township located in a county having a consolidated city that consolidates its functions with the consolidated city under IC 36-6-1.1, the controller of the consolidated city or the controller's designee."

Page 56, delete lines 1 through 24.

Page 57, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 67. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The ~~township~~ assessor shall give to each person a receipt for the money paid the assessor, which ~~shall be~~ is designated for dog tax. The receipt shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves

the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor shall keep a record of persons owning dogs subject to taxation and a record of the dogs paid for. The assessor shall keep a stub record or copy of the receipts given for money paid as dog tax. The stub record shall show the amount paid, the number of dogs, both male and female, paid for, and the person's name owning the dogs paid for. At the time when the receipt is issued to the person, the assessor shall give to the person a tag, which shall be attached to the collar worn by the dog.

(b) Before July 1 each year, the ~~township~~ assessor, **except an assessor in a county having a consolidated city described in section 0.5(3) of this chapter**, shall turn over to the township trustee all the records kept by the assessor relating to the collecting and payment of dog taxes and kennel license fees, and a copy of all receipts given by the assessor to persons having paid dog taxes and kennel license fees, and all money received by the assessor as dog taxes, and all tags left in the assessor's possession. The assessor shall assess against each person who failed to pay to the assessor the amount of any license fee owed by the person, and the amount of the license fees shall be placed upon the tax duplicate by the county auditor and collected as taxes are collected.

(c) From July 1 each year until March 1 of the next year, the ~~township trustee assessor~~ shall receive any license fees subject to be paid under this chapter and issue any licenses under this chapter that may be received or issued by the ~~township~~ assessor under this chapter.

SECTION 68. IC 15-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section does not apply to a township described in section 0.5(3) of this chapter.** The ~~township~~ assessor shall, before July 1 each year, report the amount collected as dog tax and kennel license fees to the county auditor. The dog taxes and kennel license fees collected by ~~the a~~ **township** assessor shall be turned over by the **township** assessor to the township trustee of the **township** assessor's township. The county auditor shall make a record of the same, and charge the amount stated in the report against the township trustee as receipts from the county dog fund."

Page 58, delete lines 1 through 39.

Page 59, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 72. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund **or, in the case of a township described in section 0.5(3) of this chapter, the county dog fund** that the township trustee **or, in the case of a township described in section 0.5(3) of this chapter, the controller of the consolidated city**, shall use in the manner provided in this chapter for the payment of the following:

(1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

(A) Sheep.

(B) Cattle.

(C) Horses.

(D) Swine.

(E) Goats.

(F) Mules.

(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guineas.

(L) Tame rabbits.

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

(N) Bison.

(O) Farm raised cervidae.

(P) Ratitae.

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia. ~~within any township of Indiana.~~

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township dog fund **or, in the case of a county having a consolidated city, the county dog fund.**

SECTION 73. IC 15-5-9-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) ~~in order~~ To qualify for payment for damages by a township trustee **or, in the case of a township described in section 0.5(3) of this chapter, the controller of the consolidated city** under this chapter, the owner of stock, fowl, or game listed in section 8(a)(1) of this chapter killed, maimed, or damaged by dogs shall do the following:

(1) Not more than seventy-two (72) hours after the time of the

loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Within twenty (20) days from the time of the loss, report the loss to the trustee ~~of his township of the owner's township or, in a township described in section 0.5(3) of this chapter, to the controller of the consolidated city~~ as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages, less any insurance proceeds, sustained.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) No appraisal may exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value is no more than the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) No loss shall be paid for property owned by a claimant on the last property tax assessment date if the property was not reported by the owner for assessment purposes at that time.

(b) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark the animal so that the animal can support only one (1) claim under this chapter.

SECTION 74. IC 15-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The ~~trustees township trustee or the controller of the consolidated city~~ shall register and pay damages for all losses in the order in which the losses are reported.

(b) A person may not receive payment from the trustee ~~or the controller of the consolidated city~~ for stock, fowl, or game listed in section 8(a)(1) of this chapter:

(1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;

(2) for which the person received from another person an amount equal to the actual damages; or

(3) for which the owner has not complied with section 9.1 of this chapter.

(c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted, and when the existence of such disease ~~shall be~~ is proven by:

(1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or

(2) affidavit of an attending legally qualified graduate veterinarian;

the owner of such animal with rabies ~~shall be~~ is entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the **township trustee or controller of the consolidated city** shall do the following:

(1) Remove or have removed the head of the dog.

(2) Pay from the township dog fund **or, in the case of a township described in section 0.5(3) of this chapter, the county dog fund**, the following:

(A) A reasonable fee for the removal of the dog's head.

(B) All charges for transporting the head to a laboratory maintained by state, county, or municipal funds. If no money is available in the **appropriate** dog fund, ~~of the township~~; then such necessary fees ~~shall be~~ are paid out of the township **general fund or, in the case of a township described in section 0.5(3) of this chapter, the county general fund**, without appropriations having been made.

(e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:

(1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.

(2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund.

(f) The funds transferred to the county treasurer under subsection (e) ~~shall be~~ are deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund ~~shall be~~ is distributed as follows:

(1) **Except for a township described in section 0.5(3) of this chapter**, among the townships of the county in which the orders drawn against the dog fund exceed the money on hand.

(2) To a humane society designated under section 8 of this chapter.

(g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs ~~of all the townships~~ in the county, the distribution ~~shall be~~ is made, **except in a township described in section 0.5(3) of this chapter**, in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio ~~shall be~~ is obtained from the report of the trustees of the townships made to the

1 auditor of the county.

2 (h) The report under subsection (g) ~~shall be~~ is made by each
3 township trustee of the county upon the first Monday of March of each
4 year and must show the following:

5 (1) All receipts into the dog fund of the township.

6 (2) All orders drawn against the township fund in the order in
7 which the orders were drawn.

8 (i) If the funds in the dog fund of any township and the share of the
9 county dog fund distributed to such township during any year **or, in the**
10 **case of a township described in section 0.5(3) of this chapter, the**
11 **county dog fund**, are insufficient to pay for all stock, fowl, and game
12 listed in section 8(a)(1) of this chapter that are killed, maimed, or
13 damaged by dogs in such township **or county, as the case may be**,
14 during such year, any such losses registered and any orders drawn
15 which are unpaid and unprovided for ~~shall be~~ are paid out of the state
16 dog account.

17 (j) If upon the first Monday in May of any year there is a surplus left
18 of the county dog fund after provisions have been made for the payment
19 of all stock, fowl, and game listed in section 8(a)(1) of this chapter that
20 are killed, maimed, or damaged by dogs of all the townships of the
21 county and the distribution to any designated humane society, the
22 surplus ~~shall be~~ is:

23 (1) paid to the auditor of state; and

24 (2) placed in a separate account of the general fund of the state
25 treasury known as the state dog account.

26 SECTION 75. IC 15-5-9-11 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before
28 the first day of May of each year, the trustee of each township shall
29 make a report in writing, to the county auditor, of the amount of all
30 claims in ~~his the trustee's~~ township for livestock, fowls, or game which
31 have been destroyed or damaged by dogs, and which claims have been
32 filed before March 9, 1937, or which may be filed thereafter but have
33 not been paid for lack of funds. On or before the second Monday in
34 May of each year, the auditor of each county, **or in the case of a**
35 **township described in section 0.5(3) of this chapter, the controller**
36 **of the consolidated city**, shall make a report, in writing, to the auditor
37 of state, in such form as the auditor of state shall prescribe, of the
38 amount of all such claims in ~~his the~~ county which have been filed and
39 which have not been paid for lack of funds, and on or before the second
40 Monday in July, the auditor of state shall issue ~~his the auditor's~~
41 warrant, payable to the auditor of each such county **or, in the case of**
42 **a township described in section 0.5(3) of this chapter, the controller**
43 **of the consolidated city**, for the amount of the unpaid claims. The
44 warrant ~~shall be~~ is drawn on the state dog account. Upon the receipt of
45 the money, the auditor of the county **or, in the case of a township**
46 **described in section 0.5(3) of this chapter, the controller of the**
47 **consolidated city**, shall distribute the funds to the respective townships

of ~~his~~ the county entitled thereto **or, in the case of a county having a consolidated city, to the appropriate fund of the consolidated city,** and the trustee of the township **or controller of a consolidated city** shall pay all unpaid claims of ~~his~~ the township **or county** in the order in which the claims were filed. If in any year there is not sufficient money in the state dog account to pay all of the claims, the auditor of state shall make such distribution, as near as practicable, in proportion to the aggregate value of livestock, fowls, or game for the destruction of which or the damage to which claims have been filed in the respective counties, and the county auditor, **except in the case of a township described in section 0.5(3) of this chapter,** shall distribute the money so received to the several townships in the same proportion. All money in excess of fifty thousand dollars (\$50,000) remaining in the state dog account, after such annual distribution shall have been made as hereinbefore provided, ~~shall be~~ **is** distributed by the auditor of state in the manner following:

(~~a~~) **(1)** One-half (1/2) of such excess or one hundred thousand dollars (\$100,000) of such excess, whichever sum is the lesser, ~~shall be~~ **is** distributed to Purdue University for the School of Veterinary Science and Medicine to be used solely for canine disease research.

(~~b~~) **(2)** The balance remaining of such excess, after the distribution to Purdue University is made as hereinbefore provided, ~~shall be~~ **is** distributed to the general fund of each county in direct proportion to the total amount of money paid into the dog account on the second Monday in May by the county prior to the distribution.

Of the funds returned to the respective counties the county may, with the approval of the county commissioners and the county council, construct dog pounds within said counties."

Delete pages 60 through 64.

Page 65, delete lines 1 through 10.

Page 65, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 77. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 7.5. "Cemetery fund"** means the:

(1) township fund for a township:

(A) in a county not having a consolidated city; or

(B) in a county having a consolidated city that does not consolidate its functions with the consolidated city under IC 36-6-1.1; or

(2) cemetery fund of the consolidated city for a township in a county having a consolidated city that consolidates its functions with the consolidated city under IC 36-6-1.1.

SECTION 78. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2006]: **Sec. 32.5. "Township" means:**

(1) a township:

(A) in a county not having a consolidated city; or

(B) in a county having a consolidated city, if the township consolidates its functions with the consolidated city under IC 36-6-1.1; or

(2) the consolidated city for a township in a county having a consolidated city that consolidated its functions with the consolidated city under IC 36-6-1.1.

SECTION 79. IC 23-14-33-32.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 32.6. "Township trustee" or "trustee" means:**

(1) a township trustee for a township:

(A) in a county not having a consolidated city; or

(B) in a county having a consolidated city if the township does not consolidate its functions with the consolidated city under IC 36-6-1.1; or

(2) the consolidated city for a township in a county having a consolidated city, if the township consolidates its functions with the consolidated city under IC 36-6-1.1."

Page 66, delete lines 1 through 10.

Page 71, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 87. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. However, in a township in a county having a consolidated city that consolidates its function with the consolidated city under IC 36-6-1.1, the duties and obligations of a township trustee under this chapter are the responsibility of the consolidated city. If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.**

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, county, or state. If an agent or a tenant of the owner does

not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation shall immediately:

(1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and

(2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 88. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 0.6. As used in this chapter, "township" means:**

(1) a township in a county not having a consolidated city;

(2) a township in a county having a consolidated city, if the township does not consolidate its functions with the consolidated city under IC 36-6-1.1; or

(3) the consolidated city for a township located in a county having a consolidated city, if the township consolidates its functions with the consolidated city under IC 36-6-1.1.

SECTION 89. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

(1) a township trustee for a township in a county not having a consolidated city;

(2) a township trustee for a township in a county having a consolidated city if the township does not consolidate its functions with the consolidated city under IC 36-6-1.1; or

(2) the consolidated city for a township in a county having a consolidated city that consolidates its functions with the consolidated city under IC 36-6-1.1."

Page 72, delete lines 1 through 25.

Page 79, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 93. IC 32-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The following courts have original and concurrent jurisdiction in cases arising under this chapter:

(1) A circuit court.

(2) A superior court.

(3) A county court.

(4) A municipal court.

(5) A small claims court, if a township does not consolidate functions with the consolidated city under IC 36-6-1.1.

(b) A case arising under this chapter may be filed on the small claims docket of a court that has jurisdiction.

SECTION 94. IC 33-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. (a) As used in this chapter, "judge" means a judge of the court of appeals, the tax court, ~~or~~ a circuit, superior, county, small claims, or probate court, **or, if a township consolidates its functions with the consolidated city under IC 36-6-1.1, a small claims judge (as defined in IC 33-33-49-5.2).**

(b) The term includes a judge pro tempore, commissioner, or hearing officer if the judge pro tempore, commissioner, or hearing officer sits more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as a judge, commissioner, or hearing officer in any court.

SECTION 95. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

(1) The supreme court.

(2) The court of appeals.

(3) The tax court.

(4) A circuit court.

(5) A superior court.

(6) A juvenile court.

(7) A probate court.

(8) A county court.

(9) A municipal court.

(10) A city or town court.

(11) A small claims court, if a township does not consolidate its functions with a consolidated city under IC 36-6-1.1.

(b) The term does not include a judge **or, if a township**

consolidates its functions with the consolidated city under IC 36-6-1.1, a small claims judge (as defined in IC 33-33-49-5.2) of any of the courts listed in subsection (a)(1) through (a)(11)."

Delete page 80.

Page 81, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 97. IC 33-30-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. **(a)** A county court is established in each county, except in: ~~a county for which:~~

(1) **a county for which** IC 33-33 provides a small claims docket of the circuit court;

(2) **a county for which** IC 33-33 provides a small claims docket of the superior court; or

(3) **a township that does not consolidate its functions with the consolidated city under IC 36-6-1.1 and for which** IC 33-34 provides a small claims court.

(b) In a county having a consolidated city, a county court is established in the consolidated city and each township that consolidates its functions with the consolidated city under IC 36-6-1.1."

Page 81, line 27, delete "Nine (9) small claim judges." and insert "**A small claims judge for each township that is consolidated into a township district under IC 36-6-1.1."**

Page 87, delete lines 34 through 39, begin a new paragraph and insert:

"SECTION 111. IC 33-33-49-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 14.1. The small claims division of the court is composed of township divisions established in each township that is consolidated into a township district under IC 36-6-1.1. The name of each township division shall be the "_____ Township of Marion County Small Claims Division".**"

Page 96, delete lines 26 through 42.

Page 97, delete lines 1 through 8.

Page 98, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 135. IC 33-37-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 22. (a) Except as provided in subsection (e), this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

(A) committed a crime;

(B) violated a statute defining an infraction;

(C) violated an ordinance of a municipal corporation; or

(D) committed a delinquent act.

(2) The defendant is required to pay:

(A) court costs, including fees;

- 1 (B) a fine; or
 2 (C) a civil penalty.
 3 (3) The defendant is not determined by the court imposing the
 4 court costs, fine, or civil penalty to be indigent.
 5 (4) The defendant fails to pay to the clerk the costs, fine, or civil
 6 penalty in full before the later of the following:
 7 (A) The end of the business day on which the court enters the
 8 conviction or judgment.
 9 (B) The end of the period specified in a payment schedule set
 10 for the payment of court costs, fines, and civil penalties under
 11 rules adopted for the operation of the court.
 12 (b) A court may adopt a local rule to impose a late payment fee
 13 under this section on defendants described in subsection (a).
 14 (c) Subject to subsection (d), the clerk of a court that adopts a local
 15 rule imposing a late payment fee under this section shall collect a late
 16 payment fee of twenty-five dollars (\$25) from a defendant described in
 17 subsection (a).
 18 (d) Notwithstanding IC 33-37-2-2, a court may suspend a late
 19 payment fee if the court finds that the defendant has demonstrated good
 20 cause for failure to make a timely payment of court costs, a fine, or a
 21 civil penalty.
 22 (e) A plaintiff or defendant in ~~an~~ **a small claims** action under
 23 IC 33-34 **or IC 33-33-49** shall pay a late fee of twenty-five dollars
 24 (\$25) if the plaintiff or defendant:
 25 (1) is required to pay court fees or costs under IC 33-34-8-1 **or**
 26 **IC 33-37-4-6.5;**
 27 (2) is not determined by the court imposing the court costs to be
 28 indigent; and
 29 (3) fails to pay the costs in full before the later of the following:
 30 (A) The end of the business day on which the court enters the
 31 judgment.
 32 (B) The end of the period specified in a payment schedule set
 33 for the payment of court costs under rules adopted for the
 34 operation of the court.
 35 A court may suspend a late payment fee if the court finds that the
 36 plaintiff or defendant has demonstrated good cause for failure to make
 37 timely payment of the fee.
 38 SECTION 136. IC 33-37-7-4.5 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JANUARY 1, 2006]: **Sec. 4.5. The clerk of a circuit**
 41 **court in a county having a consolidated city shall forward to the**
 42 **controller of the consolidated city one hundred percent (100%) of**
 43 **the fees collected under the following that are collected in a**
 44 **township that is consolidated into a township district under**
 45 **IC 36-6-1.1:**
 46 (1) IC 33-37-4-6.5(a)(1) (township docket fees).
 47 (2) IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).

1 **(3) IC 33-37-4-6.5(a)(3) (service of process costs).**

2 **(4) IC 33-37-4-6.5(a)(4) (witness fees).**

3 **(5) IC 33-37-4-6.5(a)(5) (redocketing fees).**

4 **The clerk shall forward the fees in accordance with section 12 of**
 5 **this chapter."**

6 Page 99, delete lines 1 through 39.

7 Page 102, delete lines 21 through 42, begin a new paragraph and
 8 insert:

9 "SECTION 141. IC 33-38-12-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 3. As used in this
 11 chapter, "judge" means an individual who holds or formerly held one
 12 (1) of the following offices or appointments:

13 (1) Justice of the supreme court.

14 (2) Judge of the court of appeals.

15 (3) Judge of the tax court.

16 (4) Judge of a circuit court.

17 (5) Judge of a superior court.

18 (6) Judge of a probate court.

19 (7) Judge of a municipal court.

20 (8) Judge of a county court.

21 (9) Judge of a city court.

22 (10) Judge of a town court.

23 (11) Judge of a small claims court **and a small claims judge.**

24 (12) A judge pro tempore, senior judge, temporary judge, or any
 25 other individual serving as judge in an action or a proceeding in
 26 an Indiana court.

27 (13) Bail commissioner.

28 (14) Magistrate.

29 (15) Master commissioner.

30 (16) Probate commissioner.

31 (17) Referee."

32 Page 103, delete line 1.

33 Page 103, delete lines 7 through 14, begin a new paragraph and
 34 insert:

35 "SECTION 143. IC 33-41-1-7 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. (a) This section
 37 applies to the small claims court **established under IC 33-34 and to**
 38 **a division** established under ~~IC 33-34~~ **IC 33-33-49-14(c)(5).**

39 (b) The person who is designated by a **small claims** judge of the
 40 court to prepare transcripts may collect a fee of not more than five
 41 dollars (\$5) for each transcript from a person who requests the
 42 preparation of a transcript."

43 Page 105, delete lines 32 through 42, begin a new paragraph and
 44 insert:

45 "SECTION 150. IC 36-1-2-22 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 22. **(a)**
 47 **"Township", refers to except as provided in subsection (b), means:**

(1) a civil township, unless the reference is to a congressional township or school township; and

(2) after December 31, 2006, and except as provided in IC 36-6-1.1, IC 36-6-4.1, and IC 36-6-6.1, a township district in a county having a consolidated city, unless the reference is to a congressional township or school township or the context requires otherwise.

(b) "Township" means only a civil township for purposes of the following:

(1) IC 36-7-4.

(2) IC 36-9-27."

Page 106, delete lines 1 through 3.

Page 108, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 153. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

(1) fails to make a report that is required by law;

(2) fails to deliver a property tax record to the appropriate officer or board;

(3) fails to deliver an assessment to the county assessor; or

(4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

(1) the county assessor; or

(2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) In a county having a consolidated city:

(1) the county assessor shall perform the functions of an assessing official and other duties of an assessing official prescribed by statute in each township in the county that is consolidated into a township district under IC 36-6-1.1,

including assessment duties prescribed by IC 6-1.1; and
 (2) the controller of the consolidated city or the controller's
 designee shall administer the dog tax and township dog fund
 as prescribed by IC 15-5-9 in each township that is
 consolidated into a township district under IC 36-6-1.1.

SECTION 154. IC 36-3-1-6.1 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JANUARY 1, 2006]: Sec. 6.1. (a) Except as provided
 in section 6.3 of this chapter, after December 31, 2005, the fire
 departments of the following are consolidated into the fire
 department of a consolidated city (referred to as "the consolidated
 fire department" in this chapter):

(1) A township located in a county having a consolidated city
 that is consolidated into a township district under IC 36-6-1.1.

(2) A fire protection territory established under IC 36-8-19
 that is located in a county having a consolidated city that is
 consolidated into a township district under IC 36-6-1.1.

(3) The territory in which an airport authority established for
 a consolidated city under IC 8-22-3 may provide fire
 protection services.

(b) Except as provided by section 6.3 of this chapter, after
 December 31, 2005, the consolidated fire department shall provide
 fire protection services for the parts of the county that are
 consolidated into a township district under IC 36-6-1.1.

(c) All the property, equipment, records, rights, and contracts
 of the departments and territories listed in subsection (a) are:

(1) transferred to; or

(2) assumed by;

the consolidated city.

(d) The employees of the departments and territories listed in
 subsection (a) cease employment with those departments and
 territories and become employees of the consolidated fire
 department after December 31, 2005. These employees are not
 hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon
 becoming employees of the consolidated fire department. The
 consolidated city shall assume all agreements with labor
 organizations that:

(1) are in effect after December 31, 2005; and

(2) apply to employees of the departments and territories
 listed in subsection (a) who become employees of the
 consolidated fire department.

(e) Except as provided in subsection (g), the consolidated city
 shall assume, defease, pay, or refund all indebtedness related to fire
 protection services incurred before January 1, 2006, by:

(1) a township;

(2) an airport authority;

1 (3) a fire protection territory; or

2 (4) a building, holding, or leasing corporation on behalf of a
3 township, an airport authority, or a fire protection territory;
4 whose fire department is consolidated into the consolidated fire
5 department under subsection (a).

6 (f) Notwithstanding any other law, to assume, defease, pay, or
7 refund all or a part of the indebtedness described in subsection (e)
8 the consolidated city is not required to comply with any other
9 statutory procedures or approvals that apply when a unit incurs
10 indebtedness.

11 (g) Notwithstanding subsections (e) and (f), the consolidated city
12 may not assume all or a part of the indebtedness described in
13 subsection (e) that will exceed the limitations on the amount of
14 indebtedness that the consolidated city may incur.

15 (h) The rights of the trustee and the bondholders with respect to
16 any:

17 (1) indebtedness or bonds; or

18 (2) bond resolution, trust agreement or indenture, security
19 agreement, purchase agreement, or other undertaking
20 described in subsection (e);

21 remain the same, although the powers, duties, and liabilities of the
22 departments listed in subsection (a) have been transferred to the
23 consolidated city, and the consolidated city shall be considered to
24 have assumed all those powers, duties, agreements, and liabilities.

25 (i) To provide for the payment of the expenses for the operation
26 of the consolidated fire department, the consolidated city may levy
27 property taxes on taxable property located within the area served
28 by the consolidated fire department. Notwithstanding any other
29 provision, the consolidated city's 1937 firefighters' pension fund
30 obligations under IC 36-8-7-14 for firefighters or retired
31 firefighters who were employed by the consolidated city before July
32 1, 2005, may not be paid with property tax revenue collected
33 outside the fire special service district.

34 (j) The fire special service district established under IC 36-3-1-6
35 may levy property taxes to provide for the payment of expenses for
36 the operation of the consolidated fire department:

37 (1) within; or

38 (2) that directly benefit;

39 the territory of the fire special service district. These amounts are
40 in addition to the amounts levied by the fire special service district
41 to fund pension obligations under IC 36-8-7-14.

42 (k) The local boards for the 1937 firefighters' pension fund and
43 the 1977 police officers' and firefighters' pension and disability
44 fund for fire departments in townships that are consolidated into
45 a township district established under IC 36-6-1.1 are dissolved, and
46 their services are terminated not later than the effective date of the

consolidation. The duties performed by the township's local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the public safety pension commission established under IC 36-8-7.6.

(l) After December 31, 2005, the merit board and the merit system of each fire department listed in subdivision (a) are dissolved, and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated fire department.

SECTION 155. IC 36-3-1-6.2 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6.2. After December 31, 2005, the consolidated city, through the consolidated fire department, shall establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the county except in a township that is not consolidated into a township district established under IC 36-6-1.1).".

Delete pages 109 through 110.

Page 111, delete lines 1 through 8.

Page 115, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 158. IC 36-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The general assembly finds the following:

(1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.

(2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.

(3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.

(b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Personal property.

(6) Property taxation.

(7) Tangible property.

(8) Township assessor **(in a township that is not consolidated into a township district under IC 36-6-1.1).**

(c) As used in this section, "PILOTS" means payments in lieu of taxes.

(d) As used in this section, "public entity" means any of the following government entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A capital improvement board of managers under IC 36-10-9.
- (3) A building authority operating under IC 36-9-13.
- (4) A wastewater treatment facility.

(e) The legislative body of the consolidated city may adopt an ordinance to require a public entity to pay PILOTS at times set forth in the ordinance with respect to:

- (1) tangible property of which the public entity is the owner or the lessee and that is subject to an exemption;
- (2) tangible property of which the owner is a person other than a public entity and that is subject to an exemption under IC 8-22-3;
- or
- (3) both.

The ordinance remains in full force and effect until repealed or modified by the legislative body.

(f) The PILOTS must be calculated so that the PILOTS may be in any amount that does not exceed the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the tangible property described in subsection (e) if the property were not subject to an exemption from property taxation.

(g) PILOTS ~~shall be~~ **are** imposed as are property taxes and ~~shall be~~ **are** based on the assessed value of the tangible property described in subsection (e). The township assessors **(in a township that is not consolidated into a township district under IC 36-6-1.1) and the county assessor (in a township that is consolidated into a township district under IC 36-6-1.1)**, shall assess the tangible property described in subsection (e) as though the property were not subject to an exemption. The public entity shall report the value of personal property in a manner consistent with IC 6-1.1-3.

(h) Notwithstanding any law to the contrary, a public entity is authorized to pay PILOTS imposed under this section from any legally available source of revenues. The public entity may consider these payments to be operating expenses for all purposes.

(i) PILOTS ~~shall be~~ **are** deposited in the consolidated county fund and used for any purpose for which the consolidated county fund may be used.

(j) PILOTS ~~shall be~~ **are** due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS ~~shall be~~ **are** treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(k) PILOTS imposed on a wastewater treatment facility may be paid only from the cash earnings of the facility remaining after provisions have been made to pay for current obligations, including:

- (1) operating and maintenance expenses;
- (2) payment of principal and interest on any bonded indebtedness;

- (3) depreciation or replacement fund expenses;
- (4) bond and interest sinking fund expenses; and
- (5) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the facility.

SECTION 159. IC 36-3-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor **(in a township that is not consolidated into a township district under IC 36-6-1.1).**

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

(d) Subject to the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount that is:

- (1) agreed upon by the property owner and the legislative body of the consolidated city;
- (2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and
- (3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS ~~shall be~~ **are** imposed as are property taxes and ~~shall be~~ **are** based on the assessed value of the real property described in subsection (d). The township assessors **(in a township that is not consolidated into a township district established under IC 36-6-1.1) and the county assessor (in a township that is consolidated into a township district established under IC 36-6-1.1),** shall assess the real

property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section ~~shall be~~ **are** deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS ~~shall be~~ **are** due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS ~~shall be~~ **are** treated in the same manner as taxes for purposes of all procedural and substantive provisions of law."

Delete pages 116 through 117.

Page 118, delete lines 1 through 4.

Page 119, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 162. IC 36-3-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

(1) The director of each department of the consolidated city.

(2) Each township assessor **(in a township that is not consolidated into a township district under IC 36-6-1.1)**, elected county officer, or head of a county agency.

(3) The county clerk, for each court ~~of which he is the clerk~~ **serves**.

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate ~~he the officer~~ **prepares** stating that in ~~his the officer's~~ **the officer's** opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers shall be submitted to the ~~city fiscal officer controller~~ **city fiscal officer controller**, and all of the estimates prepared by county officers shall be submitted to the county fiscal officer.

(g) The ~~city fiscal officer controller~~ **city fiscal officer controller** shall also prepare an itemized estimate of city expenditures for other purposes above the money proposed to be used by the city departments.

SECTION 163. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2006]: **Sec. 4.1. (a)** Notwithstanding IC 36-8-7, the city-county legislative body shall adopt an ordinance under section 7 of this chapter to levy a tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay the amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14.

(b) Notwithstanding any other provision, the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14 for firefighters or retired firefighters who were employed by the consolidated city before July 1, 2005, may not be paid with property tax revenue collected outside the fire special service district.

SECTION 164. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 6. (a)** Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before January 1, 2006, in the name of:

- (1) a township;
 - (2) an airport authority;
 - (3) a fire protection territory; or
 - (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;
- that is consolidated into the consolidated fire department to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation described in IC 36-3-1-6.3(b) by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

that is consolidated into the consolidated fire department to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and IC 36-3-1-6.3(h).

SECTION 165. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 1.1. Marion County Township Transitional Provisions

Sec. 1. This chapter applies only to townships in a county having a consolidated city.

Sec. 2. (a) A local public question concerning the consolidation of township functions shall placed on the ballot in accordance with IC 3-10-9 in each township be in the county containing a consolidated city. The county election board shall place the local public question on the ballot at a special election not later than

1 November 15, 2005.

2 (b) If a majority of the voters in a township voting on the public
3 question vote in favor of the consolidation:

4 (1) except as otherwise provided, the township becomes part
5 of a single township district that consists of all townships in
6 which the voters vote in favor of the consolidation; and

7 (2) governmental functions of the township are consolidated
8 with the county and the consolidated city as provided by law.

9 (c) If a majority of the voters in a township voting on the public
10 question do not vote in favor of the consolidation:

11 (1) the township does not become part of the single township
12 district; and

13 (2) the governmental functions of the township are not
14 consolidated with the county and the consolidated city.

15 Sec. 3. (a) Before January 1, 2006:

16 (1) township trustees continue to be governed by IC 36-6-4;
17 and

18 (2) township boards continue to be governed by IC 36-6-6.

19 (b) Except as provided in subsection (c), after December 31,
20 2005, a township that is consolidated with the consolidated city
21 under this chapter is governed by IC 36-6-4.1 and IC 36-6-6.1.

22 (c) Before January 1, 2007, township trustees and township
23 boards in townships that are consolidated with the consolidated city
24 under this chapter continue to represent their respective townships
25 rather than the township district.

26 (d) Beginning with the general election held in 2006:

27 (1) a new township trustee for the township district shall be
28 elected under IC 36-6-4.1; and

29 (2) a new township board for the township district shall be
30 elected under IC 36-6-6.1.

31 (e) On January 1, 2007:

32 (1) the township boards existing in a township that is
33 consolidated with the consolidated city under this chapter at
34 the time the new township board is elected under IC 36-6-6.1
35 is dissolved; and

36 (2) the township board elected under IC 36-6-6.1 replace the
37 township boards that are dissolved under subdivision (1).

38 Sec. 4. (a) A transitional advisory board shall be formed not
39 later than August 1, 2005, to prepare a report and
40 recommendations to the township trustees and township boards
41 regarding the reorganization of townships, including the following:

42 (1) The transfer of residual township functions from
43 townships that are consolidated with the consolidated city
44 under this chapter to appropriate departments or officers of
45 the consolidated city or to the county.

46 (2) The provision of township assistance under IC 12-20 and

1 **IC 12-30-4.**

2 **(3) The transfer of township assessment functions from the**
 3 **township assessors to the county assessor.**

4 **(4) The location of township divisions of the small claims**
 5 **division of the superior court of the county.**

6 **(b) The transitional advisory board consists of the following**
 7 **twenty-one (21) members:**

8 **(1) The nine (9) township trustees in the county holding office**
 9 **on the date the transitional advisory board is formed.**

10 **(2) Four (4) individuals appointed by the city executive. One**
 11 **(1) individual appointed under this subdivision must be an**
 12 **assessing professional.**

13 **(3) Four (4) individuals appointed by the city-county**
 14 **legislative body.**

15 **(4) Four (4) individuals appointed by the board of**
 16 **commissioners of the county.**

17 **(c) Members of the transitional advisory board appointed under**
 18 **subsection (b)(2), (b)(3), and (b)(4) are not entitled to receive any**
 19 **salary for their service. Members of the board designated under**
 20 **subsection (b)(1) are not entitled to any additional salary for their**
 21 **service on the board but are entitled to their regular salaries as**
 22 **township trustees under IC 36-6-8 until the end of their current**
 23 **terms. The board may use the staff and budget of the existing**
 24 **trustees to carry out the board's work. Two (2) co-chairpersons,**
 25 **each of a different political party, shall be elected by the members**
 26 **of the board.**

27 **(d) The transitional advisory board expires on June 30, 2006.**

28 **Sec. 5. All assets, property rights, equipment, records,**
 29 **personnel, and contracts and all else connected with the provision**
 30 **of township assistance under IC 12-20 and IC 12-30-4 by a**
 31 **township that is consolidated with the consolidated city under this**
 32 **chapter shall be transferred to the applicable township district on**
 33 **January 1, 2007. All other assets, property rights, equipment,**
 34 **records, personnel (except as otherwise provided by statute), and**
 35 **contracts and all else connected with the township shall be**
 36 **transferred to the consolidated city on January 1, 2006. Any**
 37 **indebtedness not connected with the provision of township**
 38 **assistance that was incurred by a township that is consolidated with**
 39 **the consolidated city under this chapter before the effective date of**
 40 **consolidation under this section shall be assumed or defeased by**
 41 **the consolidated city, notwithstanding any other provision of law**
 42 **requiring completion of certain procedures and approvals for the**
 43 **incurrence of indebtedness; however, the indebtedness (or any part**
 44 **of the indebtedness) may not be assumed by the consolidated city**
 45 **if the assumption would cause the consolidated city to exceed any**
 46 **limitation on the amount of indebtedness that may be incurred by**

1 the consolidated city.

2 **Sec. 6. Beginning January 1, 2006, notwithstanding any other**
 3 **law to the contrary, for a township located in a county having a**
 4 **consolidated city that is consolidated with the consolidated city**
 5 **under this chapter, the township's distributive share of any state or**
 6 **local taxes or revenues (other than property taxes) shall be reduced**
 7 **to zero and shall be transferred to the consolidated city."**

8 Delete pages 120 through 122.

9 Page 123, delete lines 1 through 4.

10 Page 130, delete lines 26 through 42, begin a new paragraph and
 11 insert:

12 "SECTION 168. IC 36-6-4-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as**
 14 **provided in subsection (b), this chapter applies to all townships.**

15 **(b) This chapter does not apply to a township in a township**
 16 **district established under IC 36-6-1.1 in a county having a**
 17 **consolidated city after December 31, 2005.**

18 SECTION 169. IC 36-6-4.1 IS ADDED TO THE INDIANA CODE
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2005]:

21 **Chapter 4.1. Township Executives in Marion County**

22 **Sec. 1. Subject to IC 36-6-1.1, this chapter applies only to a**
 23 **county having a consolidated city.**

24 **Sec. 2. As used in this chapter "executive" refers to the township**
 25 **trustee of a township district elected under section 5 of this chapter.**

26 **Sec. 3. As used in this chapter, "township district" means a**
 27 **township district established under IC 36-6-1.1.**

28 **Sec. 4. As used in this chapter, "township district legislative**
 29 **body" refers to a township board created under IC 36-6-6.1.**

30 **Sec. 5. (a) Beginning with the general election to be held in 2006,**
 31 **a township trustee shall be elected under IC 3-10-2-13 by the voters**
 32 **of the township district. The township trustee elected for the**
 33 **township district is the executive for each township in the township**
 34 **district.**

35 **(b) The executive must reside within the township district as**
 36 **provided in Article 6, Section 6 of the Constitution of the State of**
 37 **Indiana. The executive forfeits office if the executive ceases to be a**
 38 **resident of the township district.**

39 **(c) The term of office of the executive is four (4) years, beginning**
 40 **January 1 after the executive's election and continuing until a**
 41 **successor is elected and qualified.**

42 **Sec. 6. The executive shall do the following:**

43 **(1) Keep a written record of official proceedings.**

44 **(2) Manage all property interests in the township district.**

45 **(3) Keep records of the township district open for public**
 46 **inspection.**

(4) Attend all meetings of the township district legislative body.

(5) Receive and pay out funds of the township district.

(6) Examine and settle all accounts and demands chargeable against the township district.

(7) Provide the assistance required under IC 12-20 and IC 12-30-4.

(8) File an annual personnel report under IC 5-11-13.

Sec. 7. The executive may do the following:

(1) Administer oaths when necessary in the discharge of official duties.

(2) Appoint an attorney to represent the township district in any proceeding in which the township district is interested.

(3) Enter into certain oil and gas leases of township district property under IC 36-9.

(4) Personally use a township district vehicle for the performance of official duties, but only if the use is authorized by the township district legislative body.

(5) Exercise other powers granted by statute.

Sec. 8. The executive shall maintain:

(1) a general account showing the total of all township district receipts and expenditures; and

(2) the financial and appropriation record of the township district, which must include an itemized and accurate account of the township district's financial affairs.

Sec. 9. (a) For each sum of money received by the executive, the financial and appropriation record must show:

(1) the date the sum of money was received;

(2) from whom the sum of money was received; and

(3) to what account the sum of money was credited.

(b) For each sum of money paid by the executive, the financial and appropriation record must show:

(1) the date the sum of money was paid;

(2) to whom the sum of money was paid;

(3) from what account the sum of money was paid; and

(4) why the sum of money was paid.

(c) The state board of accounts shall prescribe the form of the financial and appropriation record.

Sec. 10. (a) Each purchase for the township district by the executive must be made on written order of the executive, certifying that sufficient funds have been appropriated to pay the full price of the purchase. The executive shall issue a warrant and pay for the purchase not later than time of receipt of the county treasurer's first semiannual distribution following the purchase.

(b) An executive who violates this section commits a Class C infraction and is liable on the executive's official bond for the value

1 of the purchase.

2 **Sec. 11. (a)** The executive may use the township district's share
3 of state, county, and township district tax revenues and federal
4 revenue sharing funds for all categories of community service, if
5 these funds are appropriated for these services by the township
6 district legislative body. The executive may use these funds for both
7 operating and capital expenditures.

8 **(b)** With the consent of the township district legislative body, the
9 executive may contract with corporations for health and
10 community services not specifically provided by another
11 governmental entity.

12 **Sec. 12.** On the first Monday of each August the executive shall
13 post, in a conspicuous place near the executive's office, a verified
14 statement showing the indebtedness of the township district in
15 detail and giving the number and total amount of outstanding
16 orders, warrants, and accounts.

17 **Sec. 13. (a)** At the township district legislative body's annual
18 meeting under IC 36-6-6.1-12, the executive shall:

19 **(1)** present an itemized written statement of the estimated
20 expenditures for which appropriations are requested,
21 specifying the:

- 22 **(A)** number of teachers employed;
- 23 **(B)** salary of each teacher employed;
- 24 **(C)** property of the township district (and supplies on
- 25 hand);
- 26 **(D)** estimated value of the property of the township district
- 27 (and supplies on hand);
- 28 **(E)** supplies necessary for each school; and
- 29 **(F)** need for township assistance in the township district;
- 30 and

31 **(2)** submit to questions from the township district legislative
32 body or taxpayers concerning expenditures of the township
33 district.

34 **(b)** The written statement required under subsection (a)(1) must
35 comply with forms prescribed by the state board of accounts and
36 show the amount of each item to be charged against funds of the
37 township district.

38 **Sec. 14. (a)** At the annual meeting of the township district
39 legislative body under IC 36-6-6.1, the executive shall present a
40 complete report of all receipts and expenditures of the preceding
41 calendar year, including the balance to the credit of each fund
42 controlled by the executive. If the executive controls any money
43 that is not included in a particular fund, the executive shall state all
44 the facts concerning that money in the report.

45 **(b)** Each item of expenditure in the report presented under
46 subsection (a) must be accompanied by the verified voucher of the

1 person to whom the sum was paid, stating:

- 2 (1) why the payment was made;
- 3 (2) that the receipt is for the exact sum received;
- 4 (3) that no part of the sum has been retained by the executive;
- 5 and
- 6 (4) that no part of the sum has been or is to be returned to the
- 7 executive or any other person.

8 The executive may administer oaths to persons giving these
9 receipts.

10 (c) The executive shall swear or affirm that:

- 11 (1) the report presented under subsection (a) shows all sums
- 12 received by the executive;
- 13 (2) the expenditures credited have been fully paid in the sums
- 14 stated, without express or implied agreement that any part of
- 15 the sums is to be retained by or returned to the executive or
- 16 any other person; and
- 17 (3) the executive has received no money or other property in
- 18 consideration of any contract entered into or expenditure
- 19 made on behalf of the township district.

20 (d) Within ten (10) days after the township district legislative
21 body's action under IC 36-6-6.1, the executive shall file a copy of
22 the report presented under subsection (a) and the report's
23 accompanying vouchers, as adopted by the township district
24 legislative body, in the office of the city controller of the
25 consolidated city. The township district legislative body may, for
26 the benefit of the township, bring a civil action against the
27 executive if the executive fails to file the report within ten (10) days
28 after the township district legislative body's action. The township
29 district legislative body may recover five dollars (\$5) for each day
30 after the time limit for filing the report, until the report is filed.

31 Sec. 15. (a) When the executive prepares the annual report
32 required by section 14 of this chapter, the executive shall also
33 prepare, on forms prescribed by the state board of accounts, an
34 abstract of receipts and expenditures:

- 35 (1) showing the sum of money in each fund of the township
- 36 district at the beginning of the year;
- 37 (2) showing the sum of money received in each fund of the
- 38 township district during the year;
- 39 (3) showing the sum of money paid from each fund of the
- 40 township district during the year;
- 41 (4) showing the sum of money remaining in each fund of the
- 42 township district at the end of the year;
- 43 (5) containing a statement of receipts, showing their source;
- 44 and
- 45 (6) containing a statement of expenditures showing the
- 46 combined gross payment, according to classification of

expense, to each person.

(b) Not later than four (4) weeks after the annual meeting of the township district legislative body under IC 36-6-6.1, the executive shall publish the abstract required by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township district have been filed with the city controller of the consolidated city, and that the chairperson of the township district legislative body has a copy of the report that is available for inspection by any taxpayer of the township district.

(c) An executive who fails to comply with this section commits a Class C infraction.

Sec. 16. When an executive's term of office expires, the executive shall:

- (1) immediately deliver to the new executive custody of all funds and property of the township district, except records necessary in the preparation of the former executive's annual report under section 14 of this chapter;
- (2) deliver to the new executive, not later than the second Monday in the next January, the former executive's annual report and any records the former executive has retained; and
- (3) attend the annual meeting of the township district legislative body held under IC 36-6-6.1 and submit to inquiries from the township district legislative body concerning the operation of the executive's office during the preceding calendar year.

Sec. 17. (a) If an executive resigns or dies, the executive's personal representative shall immediately deliver to the new executive custody of all funds and property of the township district. The new executive shall then issue a call for a special meeting of the township district legislative body, to be held not more than fifteen (15) days later. At the special meeting the township district legislative body shall:

- (1) examine the records of the township district;
- (2) inquire into the conduct of the executive's office; and
- (3) approve in whole or in part the records, receipts, and expenditures of the township district to the date of the death or resignation of the former executive.

(b) In the new executive's annual report to the township district legislative body required under section 14 of this chapter, the new executive shall distinguish between the new executive's transactions and those of the former executive. The township district legislative body may, at its annual meeting under IC 36-6-6.1, review items in the report that were considered at the special meeting.

Sec. 18. An executive is entitled to receive the following:

(1) The executive's salary.

(2) Reimbursement for expenses that are reasonably incurred by the executive for the following:

(A) The operation of the executive's office.

(B) Travel and meals while attending seminars or conferences on township district matters.

(C) A sum for mileage as permitted under IC 36-6-8-3(b).

The executive may not make any other personal use of funds of the township district without prior approval by the township district legislative body.

Sec. 19. (a) Not later than thirty (30) days after taking office, the executive shall designate a person who shall perform the executive's duties whenever the executive is incapable of performing the executive's functions because the executive:

(1) is absent from the township district; or

(2) becomes incapacitated.

The executive shall give notice of the designation to the chairperson of the township district legislative body, the county sheriff, the city controller, and any other persons that the executive chooses. The designee shall have all the powers of the executive. The executive is responsible for all acts of the designee. The executive may change the designee under this section at any time.

(b) The designee shall perform the executive's duties until the executive is no longer absent from the township district or incapacitated.

Sec. 20. The executive may pay township district funds for the purpose of supporting a drug awareness program that is implemented in schools."

Delete pages 131 through 135.

Page 136, delete lines 1 through 29.

Page 137, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 172. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) **Except as provided in subsection (b)**, the assessor shall perform the duties prescribed by statute, including:

(1) assessment duties prescribed by IC 6-1.1; and

(2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.

(b) **In a township district that is established under IC 36-6-1.1 in a county having a consolidated city:**

(1) there is no township assessor;

(2) the duties of the township assessor prescribed by IC 6-1.1 are performed by the county assessor under IC 36-2-15-5; and

(3) the duties of the township assessor prescribed by IC 15-5-9 are performed by the controller of the consolidated city or the

1 **controller's designee.**

2 SECTION 173. IC 36-6-6-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as**
4 **provided in subsection (b), this chapter applies to all townships: a**
5 **township.**

6 **(b) This chapter does not apply to a township district that is**
7 **established under IC 36-6-1.1 in a county having a consolidated city**
8 **after December 31, 2005."**

9 Page 138, delete lines 1 through 7.

10 Page 138, delete lines 25 through 32, begin a new paragraph and
11 insert:

12 "SECTION 175. IC 36-6-6-2.2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.2. (a) This subsection
14 applies to townships in a county containing a consolidated city.
15 **However, this subsection does not apply to a township consolidated**
16 **into a township district that is established under IC 36-6-1.1.** The
17 voters of each legislative body district established under section 2.5 of
18 this chapter shall elect one (1) member of the township board.

19 (b) This subsection applies to townships not included in subsection
20 (a). **This subsection does not apply to a township district that is**
21 **established under IC 36-6-1.1.** The voters of each township shall elect
22 all the members of the township board.

23 SECTION 176. IC 36-6-6-2.5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. (a) This section
25 applies to townships in a county containing a consolidated city **that are**
26 **not consolidated into a township district established under**
27 **IC 36-6-1.1.**

28 (b) The legislative body shall adopt a resolution that divides the
29 township into legislative body districts that:

- 30 (1) are composed of contiguous territory;
- 31 (2) are reasonably compact;
- 32 (3) respect, as nearly as reasonably practicable, precinct boundary
- 33 lines; and
- 34 (4) contain, as nearly as reasonably practicable, equal population.

35 (c) Before a legislative body may adopt a resolution that divides a
36 township into legislative body districts, the secretary of the legislative
37 body shall mail a written notice to the circuit court clerk. This notice
38 must:

- 39 (1) state that the legislative body is considering the adoption of a
40 resolution to divide the township into legislative body districts;
- 41 and
- 42 (2) be mailed not later than ten (10) days before the legislative
43 body adopts the resolution.

44 (d) The legislative body shall make a division into legislative body
45 districts at the following times:

- 46 (1) In 2001.
- 47 (2) Every ten (10) years after 2002.

(3) Subject to IC 3-11-1.5-32.5, whenever the boundary of the township changes.

(e) The legislative body may make the division under this section at any time, subject to IC 3-11-1.5-32.5."

Page 140, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 179. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 6.1. Township Legislative Bodies in Marion County

Sec. 1. Subject to IC 36-6-1.1, this chapter applies only in a county having a consolidated city and only to a township district established under IC 36-6-1.1.

Sec. 2. The definitions in IC 36-6-4.1 apply to this chapter.

Sec. 3. (a) The township board shall serve as the township district legislative body of the townships consolidated into a township district established under IC 36-6-1.1.

(b) The township board for the township district consists of:

(1) seven (7) at-large members; and

(2) one (1) member elected from each township that is consolidated into the township district.

(c) Beginning with the general election to be held in 2006, all members of the township board of the township district established under IC 36-6-1.1 shall be elected under IC 3-10-2-13 by the voters of the township district.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

Sec. 4. A member of the legislative body must reside within the township district. If a member of the legislative body ceases to be a resident of the township district from which the member was elected, the office becomes vacant. A member elected under section 3(b)(1) must reside within the township from which the member is elected. If a member of the legislative body ceases to be a resident of the township from which the member was elected, the office becomes vacant.

Sec. 5. A majority of the legislative body for the township district constitutes a quorum.

Sec. 6. The legislative body may adjourn a meeting from day to day until the business of the legislative body is completed.

Sec. 7. A taxpayer of the township district may appear at any meeting of the legislative body and be heard as to:

(1) an estimate of expenditures;

(2) a proposed levy of taxes;

(3) the approval of the executive's annual report; or

(4) any other matter being considered by the legislative body.

1 **Sec. 8. (a) The legislative body shall meet at the office of the**
2 **executive on the first Tuesday after the first Monday in January of**
3 **each year. At this meeting the legislative body shall elect one (1)**
4 **member as chairperson and one (1) member as secretary for that**
5 **year.**

6 **(b) If a newly elected legislative body holds a special meeting**
7 **before the first Tuesday after the first Monday in the January**
8 **following its election, the legislative body shall elect a chairperson**
9 **and a secretary before conducting any other business. The**
10 **chairperson and secretary elected at the special meeting retain**
11 **those positions until the first Tuesday after the first Monday in**
12 **January of the year following the special meeting.**

13 **Sec. 9. The legislative body shall keep a permanent record of its**
14 **proceedings in a book furnished by the executive. The secretary of**
15 **the legislative body shall, under the direction of the legislative**
16 **body, record the minutes of the proceedings of each meeting in full**
17 **and shall provide copies of the minutes to each member of the**
18 **legislative body before the next meeting is convened. After the**
19 **minutes are approved by the legislative body, the secretary of the**
20 **legislative body shall place the minutes in the permanent record**
21 **book. The chairperson of the legislative body shall retain the record**
22 **in the chairperson's custody.**

23 **Sec. 10. (a) The legislative body shall meet on or before the third**
24 **Tuesday after the first Monday in January of each year. At this**
25 **meeting the legislative body shall consider and approve, in whole**
26 **or in part, the annual report of the executive presented under**
27 **IC 36-6-4.1-15.**

28 **(b) The legislative body may send for persons, books, and papers**
29 **necessary in the examination of the annual report. A member may**
30 **administer oaths necessary in the examination of the annual report.**

31 **(c) Any sum in the control of the executive that remains**
32 **unexpended and is subject to no liability shall be credited in favor**
33 **of the fund for which it was appropriated.**

34 **(d) Any fund expended, in whole or in part, for a purpose for**
35 **which it was not appropriated shall be considered unexpended and**
36 **in the control of the executive, who is liable on his bond for such an**
37 **expenditure.**

38 **(e) When the legislative body completes its examination of the**
39 **annual report, the legislative body shall take action on the annual**
40 **report, specifying the parts of the annual report that are altered or**
41 **disallowed. The annual report remains under the control of the**
42 **legislative body and in custody of the chairperson of the legislative**
43 **body, who shall keep it open to inspection by taxpayers of the**
44 **township district.**

45 **Sec. 11. (a) The legislative body shall fix the:**

46 **(1) salaries;**

1 (2) wages;
 2 (3) rates of hourly pay; and
 3 (4) remuneration other than statutory allowances;
 4 of all officers and employees of the township district.

5 (b) Subject to subsection (c), the legislative body may reduce the
 6 salary of an elected or appointed official. However, the official is
 7 entitled to a salary that is not less than the salary fixed for the first
 8 year of the term of office that immediately preceded the current
 9 term of office.

10 (c) The legislative body may not alter the salaries of elected or
 11 appointed officers during the fiscal year for which they are fixed,
 12 but the legislative body may add or eliminate any other position
 13 and change the salary of any other employee, if the necessary funds
 14 and appropriations are available.

15 (d) If a change in the mileage allowance paid to state officers and
 16 employees is established by July 1 of any year, that change shall be
 17 included in the compensation fixed for the executive under this
 18 section and take effect January 1 of the next year. However, the
 19 legislative body may by ordinance provide for the change in the
 20 sum per mile to take effect before January 1 of the next year.

21 (e) The legislative body may not reduce the salary of the
 22 executive without the consent of the executive during the term of
 23 office of the executive as set forth in IC 36-6-4.1-7.

24 (f) This subsection applies when an executive dies or resigns
 25 from office. The person filling the vacancy of the executive shall
 26 receive at least the same salary the previous executive received for
 27 the remainder of the unexpired term of office of the executive (as
 28 set forth in IC 36-6-4.1-7), unless the person consents to a reduction
 29 in salary.

30 Sec. 12. (a) The legislative body shall meet annually in
 31 accordance with IC 6-1.1-17 to adopt the annual budget of the
 32 district.

33 (b) The legislative body shall consider the estimates of
 34 expenditures made by the executive under IC 36-6-4.1-15, and may
 35 approve or reject all or part of any estimate or any item within an
 36 estimate. The legislative body may require the executive to further
 37 itemize an estimate not sufficiently itemized.

38 (c) The legislative body may not appropriate for any purpose an
 39 amount more than the executive's estimate of the amount required
 40 for that purpose.

41 (d) The legislative body shall include in the budget:

42 (1) provisions for the payment of existing debt of the township
 43 district as it becomes due; and

44 (2) the salaries fixed under section 11 of this chapter.

45 (e) In making levies for the general fund of the township district,
 46 the legislative body may include an amount not more than the

1 amount necessary to compensate its members for their services
2 during the year for which the levies are made.

3 (f) After the legislative body has taken action on the executive's
4 estimates, it shall levy taxes for the township district funds on
5 property in the township district and fix rates of taxation sufficient
6 to provide that revenue during the next year.

7 (g) On the assessment date, as defined by IC 6-1.1-1-2, the rates
8 of taxation adopted under this section become a levy and a lien on
9 all taxable property in the township district, including property in
10 municipalities in the township district. The levy constitutes an
11 appropriation for the specific items in the executive's estimates.

12 Sec. 13. (a) The legislative body may appropriate money for
13 membership of the township district in county, state, or national
14 associations that:

15 (1) are of a civic, an educational, or a governmental nature;
16 and

17 (2) have as a purpose the improvement of township or
18 township district governmental operations.

19 The township district representatives may participate in the
20 activities of these associations, and the legislative body may
21 appropriate money to defray the expenses of township district
22 representatives in connection with these activities.

23 (b) Each representative of the township district attending any
24 meeting, conference, seminar, or convention approved by the
25 executive shall be allowed reimbursement for all necessary and
26 legitimate expenses incurred while representing the township
27 district. Expenses shall be paid to each representative in
28 accordance with the reimbursement policy of the township district,
29 which may include an established per diem rate, as recommended
30 by the executive and adopted by the legislative body.

31 Sec. 14. (a) A special meeting may be held by the legislative body
32 if the executive, the chairperson of the legislative body, or a
33 majority of the members of the legislative body issue a written
34 notice of the meeting to each member of the legislative body. The
35 notice must state the time, place, and purpose of the meeting.

36 (b) At the special meeting, if a majority of the members give
37 their consent, the legislative body may determine whether there is
38 an emergency requiring the expenditure of money not included in
39 the budget estimates and levy of the township district. Subject to
40 section 15 of this chapter, if the legislative body finds that such an
41 emergency exists, it may issue a special order, entered and signed
42 on the record, authorizing the executive to borrow a specified
43 amount of money sufficient to meet the emergency. At the
44 legislative body's next annual session, the legislative body shall
45 cover the debt created by making a levy to the credit of the fund for
46 which the amount was borrowed under this subsection.

1 **Sec. 15. (a) If the legislative body issues a special order under**
 2 **section 14 of this chapter authorizing the executive to borrow**
 3 **money, not less than ten (10) taxpayers in the township district who**
 4 **disagree with the special order may file a petition in the office of**
 5 **the city controller of the consolidated city not more than thirty (30)**
 6 **days after notice of the special order is given. The petition must**
 7 **state the taxpayers' objections and the reasons why the taxpayers**
 8 **believe the special order is unnecessary or unwise.**

9 **(b) The city controller of the consolidated city shall immediately**
 10 **certify a copy of the petition, together with other data necessary to**
 11 **present the questions involved, to the department of local**
 12 **government finance. Upon receipt of the certified petition and**
 13 **other data, the department of local government finance shall fix a**
 14 **date, time, and place for the hearing of the matter. The hearing**
 15 **must be held not less than five (5) and not more than thirty (30)**
 16 **days after the receipt of the certified documents.**

17 **(c) The hearing must be held in the township district where the**
 18 **petition arose.**

19 **(d) Notice of the hearing shall be given by the department of**
 20 **local government finance to the township district and to the first**
 21 **ten (10) taxpayer petitioners listed on the petition by letter. The**
 22 **letter shall be sent to the first ten (10) taxpayer petitioners at each**
 23 **taxpayer's usual place of residence at least five (5) days before the**
 24 **date of the hearing.**

25 **(e) A:**

26 **(1) taxpayer who signed a petition filed under subsection (a);**
 27 **or**

28 **(2) township district against which a petition under subsection**
 29 **(a) is filed;**

30 **may petition for judicial review of the final determination of the**
 31 **department of local government finance under subsection (a). The**
 32 **petition must be filed in the tax court not more than forty-five (45)**
 33 **days after the date of the department's final determination.**

34 **Sec. 16. (a) If the legislative body finds that an emergency**
 35 **requires the borrowing of money to meet the current expenses of**
 36 **the township district, the legislative body may take out temporary**
 37 **loans in an amount not more than fifty percent (50%) of the total**
 38 **anticipated revenue for the remainder of the year in which the**
 39 **loans are taken out.**

40 **(b) The legislative body must authorize the temporary loans by**
 41 **a resolution:**

42 **(1) stating the nature of the consideration for the loans;**

43 **(2) stating the time the loans are payable;**

44 **(3) stating the place the loans are payable;**

45 **(4) stating a rate of interest;**

46 **(5) stating the anticipated revenues on which the loans are**

1 based and out of which they are payable; and
 2 (6) appropriating a sufficient amount of the anticipated
 3 revenues on which the loans are based and out of which they
 4 are payable for the payment of the loans.

5 (c) The loans must be evidenced by time warrants of the
 6 township district stating:

- 7 (1) the nature of the consideration;
- 8 (2) the time payable;
- 9 (3) the place payable; and
- 10 (4) the anticipated revenues on which they are based and out
 11 of which they are payable.

12 SECTION 180. IC 36-6-8-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as**
 14 **provided in subsection (b), this chapter applies to all townships.**

15 (b) **Sections 5, 6, 9, 10, and 11 of this chapter do not apply to a**
 16 **township that is consolidated into a township district that is**
 17 **established under IC 36-6-1.1.**

18 SECTION 181. IC 36-6-8-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 10. (a) The
 20 county fiscal body shall, in the manner prescribed by IC 36-2-5 or
 21 IC 36-2-6, fix and appropriate money to pay the per diem established
 22 under section 5 of this chapter and the salaries and per diems of the
 23 county's township assessors and any deputies or other employees that
 24 assist the elected township assessor.

25 (b) Each township assessor shall file the budget estimate required by
 26 IC 36-2-5-5 or, **in the case of a township that is located in a county**
 27 **containing a consolidated city and that is not consolidated into a**
 28 **township district established under IC 36-6-1.1, IC 36-3-6-4.** The
 29 budget estimate filed under this subsection must include all estimated
 30 expenses of the office, including costs incurred through litigation for
 31 the office.

32 (c) If the township executive is performing the duties of assessor, the
 33 county fiscal body shall appropriate money for the purposes of
 34 subsection (a) and other expenses of acting as assessor, including all
 35 costs incurred through litigation for the office. However, it may not
 36 provide a salary that is below the amount fixed for that salary for the
 37 year 1984.

38 SECTION 182. IC 36-7-11.2-11 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. As used in
 40 this chapter, "notice" means written notice:

- 41 (1) served personally upon the person, official, or office entitled
 42 to the notice; or
- 43 (2) served upon the person, official, or office by placing the notice
 44 in the United States mail, first class postage prepaid, properly
 45 addressed to the person, official, or office. Notice is considered
 46 served if mailed in the manner prescribed by this subdivision
 47 properly addressed to the following:

- 1 (A) The governor, both to the address of the governor's official
- 2 residence and to the governor's executive office in
- 3 Indianapolis.
- 4 (B) The Indiana department of transportation, to the
- 5 commissioner.
- 6 (C) The department of natural resources, both to the director of
- 7 the department and to the director of the department's division
- 8 of historic preservation and archeology.
- 9 (D) The department of metropolitan development.
- 10 (E) An occupant, to:
- 11 (i) the person by name; or
- 12 (ii) if the name is unknown, to the "Occupant" at the address
- 13 of the Meridian Street or bordering property occupied by the
- 14 person.
- 15 (F) An owner, to the person by the name shown to be the name
- 16 of the owner, and at the person's address, as the address
- 17 appears in the records in the bound volumes of the most recent
- 18 real estate tax assessment records as the records appear in the
- 19 offices of the township assessors **(in the case a township that**
- 20 **is not consolidated into a township district established**
- 21 **under IC 36-6-1.1) in Marion County or the county**
- 22 **assessor (in the case of a township that is consolidated into**
- 23 **a township district established under IC 36-6-1.1) in Marion**
- 24 **County.**
- 25 (G) A neighborhood association or the society, to the
- 26 organization at the latest address as shown in the records of the
- 27 commission.

28 SECTION 183. IC 36-7-11.2-58 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. (a) A person
 30 who has filed a petition under section 56 or 57 of this chapter shall, not
 31 later than ten (10) days after the filing, serve notice upon all interested
 32 parties. The notice must state the following:

- 33 (1) The full name and address of the following:
- 34 (A) The petitioner.
- 35 (B) Each attorney acting for and on behalf of the petitioner.
- 36 (2) The street address of the Meridian Street and bordering
- 37 property for which the petition was filed.
- 38 (3) The name of the owner of the property.
- 39 (4) The full name and address of, and the type of business, if any,
- 40 conducted by:
- 41 (A) each person who at the time of the filing is a party to; and
- 42 (B) each person who is a disclosed or an undisclosed principal
- 43 for whom the party was acting as agent in entering into;
- 44 a contract of sale, lease, option to purchase or lease, agreement to
- 45 build or develop, or other written agreement of any kind or nature
- 46 concerning the subject property or the present or future
- 47 ownership, use, occupancy, possession, or development of the

- 1 subject property.
- 2 (5) A description of the contract of sale, lease, option to purchase
- 3 or lease, agreement to build or develop, or other written agreement
- 4 sufficient to disclose the full nature of the interest of the party or
- 5 of the party's principal in the subject property or in the present or
- 6 future ownership, use, occupancy, possession, or development of
- 7 the subject property.
- 8 (6) A description of the proposed use for which the rezoning or
- 9 zoning variance is sought, sufficiently detailed to appraise the
- 10 notice recipient of the true character, nature, extent, and physical
- 11 properties of the proposed use.
- 12 (7) The date of the filing of the petition.
- 13 (8) The date, time, and place of the next regular meeting of the
- 14 commission if a petition is for approval of a zoning variance. If a
- 15 petition is filed with the development commission, the notice does
- 16 not have to specify the date of a hearing before the commission or
- 17 the development commission. However, the person filing the
- 18 petition shall give ten (10) days notice of the date, time, and place
- 19 of a hearing before the commission on the petition after the
- 20 referral of the petition to the commission by the development
- 21 commission.
- 22 (b) For purposes of giving notice to the interested parties who are
- 23 owners, the records in the bound volumes of the recent real estate tax
- 24 assessment records as the records appear in the offices of the township
- 25 assessors **(in the case of a township that is not consolidated into a**
- 26 **township district established under IC 36-6-1.1) in Marion County**
- 27 **or the county assessor (in the case of a township that is consolidated**
- 28 **into a township district established under IC 36-6-1.1) as of the date**
- 29 **of filing are considered determinative of the persons who are owners.**
- 30 SECTION 184. IC 36-7-15.1-32 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 32. (a) The
- 32 commission must establish a program for housing. The program, which
- 33 may include such elements as the commission considers appropriate,
- 34 must be adopted as part of a redevelopment plan or amendment to a
- 35 redevelopment plan, and must establish an allocation area for purposes
- 36 of sections 26 and 35 of this chapter for the accomplishment of the
- 37 program.
- 38 (b) The notice and hearing provisions of sections 10 and 10.5 of this
- 39 chapter apply to the resolution adopted under subsection (a). Judicial
- 40 review of the resolution may be made under section 11 of this chapter.
- 41 (c) Before formal submission of any housing program to the
- 42 commission, the department shall consult with persons interested in or
- 43 affected by the proposed program and provide the affected
- 44 neighborhood associations, residents, and township assessors **(in the**
- 45 **case a township that is not consolidated into a township district**
- 46 **established under IC 36-6-1.1) or the county assessor (in the case**
- 47 **of a township that is consolidated into a township district**

1 **established under IC 36-6-1.1)** with an adequate opportunity to
 2 participate in an advisory role in planning, implementing, and
 3 evaluating the proposed program. The department may hold public
 4 meetings in the affected neighborhood to obtain the views of
 5 neighborhood associations and residents.

6 SECTION 185. IC 36-8-1-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. **(a) Except as**
 8 **provided in subsection (b),** "local board" means the board of trustees
 9 of a 1925, 1937, or 1953 fund.

10 **(b) After December 31, 2005, in a consolidated city, "local**
 11 **board" means the public safety pension commission established by**
 12 **IC 36-8-7.6-2 for the townships that are consolidated into a**
 13 **township district established under IC 36-6-1.1."**

14 Delete pages 141 through 148.

15 Page 149, delete lines 1 through 12.

16 Page 156, delete lines 5 through 42, begin a new paragraph and
 17 insert:

18 "SECTION 195. IC 36-8-7-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) If a unit has
 20 less than five (5) members in its fire department, the unit may provide
 21 for the organization of a local board consisting of the fire chief, the
 22 executive of the unit, and one (1) member of the fire department.

23 (b) The trustee from the fire department shall be elected under this
 24 section.

25 (c) The local board may amend the bylaws of the fund to elect the
 26 trustee from the fire department in an election held on any three (3)
 27 consecutive days in February specified in the bylaws. The election shall
 28 be called by the fire chief and held at the house or quarters of the fire
 29 department. Subject to this section, the election shall be conducted in
 30 the manner specified in the bylaws.

31 (d) This subsection applies only if the local board does not elect to
 32 be governed by subsection (c). The trustee from the fire department
 33 shall be elected at a meeting held on the second Monday in February
 34 each year. The meeting shall be called by the fire chief and held at the
 35 house or quarters of the fire department.

36 (e) The term of the elected trustee is one (1) year beginning
 37 immediately after ~~his~~ **the trustee's** election.

38 (f) Each member of the department is entitled to one (1) ballot and
 39 the person receiving the highest number of votes is elected. The
 40 executive of the unit, the fire chief, and the city or county clerk shall
 41 canvass and count the ballots, and the clerk shall issue a certificate of
 42 election to the person having received the highest number of votes. If
 43 two (2) persons have received the same number of votes, the executive
 44 and the chief shall immediately determine by lot who will be the trustee
 45 from the persons receiving an equal number of votes.

46 **(g) This section does not apply to a consolidated city or a**
 47 **township that is consolidated into a township district established**

under IC 36-6-1.1.

SECTION 196. IC 36-8-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 5. (a) An election shall be held each year under this section to elect one (1) trustee from the active members of the fire department for a term of four (4) years, commencing on the day of his election. The fire chief shall fix a time for holding a convention to nominate candidates for trustees to be elected at each election. Each convention must be held at least five (5) days before the day on which the annual election is held. A convention consists of one (1) delegate from each fire company and one (1) delegate to be selected by the chief and ~~his~~ **the chief's** assistants. The delegate from each fire company shall be elected by ballot by the members of the company at a time to be fixed by the chief in the call for a convention. The election of delegates shall be certified by the captain or other officer of the company, or, if there is not an officer present, then by the oldest member of the company present. The convention, when assembled, shall nominate six (6) members of the fire department to be voted upon as trustees, and the delegates shall report the names of the persons nominated as candidates to their respective companies in writing.

(b) The local board may amend the bylaws of the fund to elect the trustee from the active members of the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the respective companies of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(c) This subsection applies only if the local board does not elect to be governed by subsection (b). The election shall be held at the houses or quarters of the respective companies on the second Monday in February between 9 a.m. and 6 p.m.

(d) Each member of a fire company is entitled to one (1) ballot, and the ballot may not contain the names of more than one (1) person, chosen from the six (6) persons nominated by the convention. The candidate receiving the highest number of votes is elected.

(e) The captain or other officer in command of each of the fire companies, immediately after the casting of all ballots, shall canvass and count the ballots. ~~He~~ **The captain or other officer** shall certify in writing the total number of ballots cast and the number of votes received by each candidate for the office of trustee. After signing the certificate, the officer shall enclose it, together with all the ballots cast by the fire company, in an envelope, securely sealed and addressed, and deliver them to the fire chief. The fire chief shall deliver them to the executive of the unit as soon as **the chief receives all the** certificates and ballots. ~~have been received by him:~~ Upon receipt the executive shall, in the presence of the chief and the clerk of the unit, open the envelopes, examine the certificates, and determine the total number of

votes cast for each of the candidates. The executive shall then issue a certificate of election to the candidate having received the highest number of votes. If two (2) or more candidates have received the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes. An election may not be set aside for lack of formality in balloting by the members or in certifying or transmitting the returns of an election by the officers in charge.

(f) This section does not apply to a consolidated city or a township that is consolidated into a township district established under IC 36-6-1.1.

SECTION 197. IC 36-8-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6. (a) An election shall be held under this section every two (2) years to elect one (1) trustee from the retired members of the fire department for a term of two (2) years, commencing on the day of ~~his~~ **the trustee's** election, if the retired list contains **at least** three (3) ~~or more~~ retired members at the time of election. The fire chief shall fix a time for holding a convention to nominate candidates for trustee to be elected at each election. Each convention must be held at least fifteen (15) days before the day on which the biennial election is held. All retired members of the fire department may participate in the convention. The convention, when assembled, shall nominate not more than four (4) members of the retired list to be voted upon as trustee. The secretary of the board shall mail the names of the persons nominated along with an official ballot to the retired members within forty-eight (48) hours of the end of the convention.

(b) The election shall be conducted by mail. Each retired member is entitled to cast one (1) ballot by mail and the ballot may not contain more than one (1) name, chosen from the list of retired persons nominated by the convention. The candidate receiving the highest number of votes by 6 p.m. on the second Monday in February or an alternative date in February specified in the bylaws of the fund is elected.

(c) The ballots must remain closed and inviolate until the close of the election, at which time, in the presence of the executive of the unit, the fire chief, and the clerk of the unit, the ballots shall be opened and counted. A certificate of election shall be issued to the candidate receiving the highest number of votes. If two (2) or more candidates receive the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes.

(d) This section does not apply to a consolidated city or a township that is consolidated into a township district established under IC 36-6-1.1.

SECTION 198. IC 36-8-7-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6.5. (a) All

1 ballots voted under this chapter shall be secured until the balloting is
2 closed.

3 (b) Tampering with a ballot for an election under this chapter is a
4 Class A infraction.

5 **(c) This section does not apply to a consolidated city or a**
6 **township that is consolidated into a township district established**
7 **under IC 36-6-1.1.**

8 SECTION 199. IC 36-8-7-7 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 7. (a) The fire
10 chief is the president of the local board.

11 (b) At the first meeting after each election, the local board shall elect
12 a secretary, who may be chosen from among the trustees. However, the
13 local board may consider it proper to have a secretary who is a member
14 of the fire department, to be elected by the companies for a term of four
15 (4) years in the same manner as the election for trustees. The secretary
16 shall keep a full record of all the proceedings of the local board in a
17 book provided for that purpose.

18 (c) The local board shall make all rules necessary for the discharge
19 of its duties and shall hear and determine all applications for relief or
20 pensions under this chapter.

21 **(d) This section does not apply to a consolidated city or a**
22 **township that is consolidated into a township district established**
23 **under IC 36-6-1.1."**

24 Delete pages 157 through 158.

25 Page 159, delete lines 1 through 14.

26 Page 165, delete lines 19 through 42, begin a new paragraph and
27 insert:

28 "SECTION 205. IC 36-8-7.6 IS ADDED TO THE INDIANA
29 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2005]:

31 **Chapter 7.6. Public Safety Pension Commission in a**
32 **Consolidated City**

33 **Sec. 1. This chapter applies after December 31, 2005, to a**
34 **consolidated city and to a township that is consolidated into a**
35 **township district established under IC 36-6-1.1.**

36 **Sec. 2. (a) The public safety pension commission is established.**

37 **(b) After December 31, 2005, the boards of trustees of:**

38 **(1) the 1925 fund, for the police departments being**
39 **consolidated into the metropolitan law enforcement agency**
40 **under IC 36-8-10.1;**

41 **(2) the 1937 fund, for the fire departments being consolidated**
42 **into the fire department of the consolidated city under**
43 **IC 36-3-1-6.1 or IC 36-3-1-6.3; and**

44 **(3) the 1953 fund, for the police department being**
45 **consolidated into the metropolitan law enforcement agency**
46 **under IC 36-8-10.1;**

47 **are abolished, and except as otherwise provided by this chapter, the**

1 powers and duties of those boards of trustees necessary to
 2 administer and manage the 1925 fund, the 1937 fund, and the 1953
 3 fund are transferred to and assumed by the public safety pension
 4 commission.

5 Sec. 3. (a) The local board consists of fourteen (14) trustees, as
 6 follows:

7 (1) The city executive, or the executive's designee.

8 (2) The city controller.

9 (3) The county auditor.

10 (4) The county treasurer.

11 (5) The chair of the administration and finance committee of
 12 the city-county legislative body.

13 (6) The chair of the public safety and criminal justice
 14 committee of the city-county legislative body.

15 (7) The chief of the consolidated fire department, or the chief's
 16 designee.

17 (8) An active member of the metropolitan law enforcement
 18 agency (established by IC 36-8-10.1-16), appointed by the
 19 county sheriff and having an appointed rank of at least
 20 assistant chief.

21 (9) An active member of the metropolitan law enforcement
 22 agency (established by IC 36-8-10.1-16), elected by the active
 23 members of the metropolitan law enforcement agency.

24 (10) An active member of the consolidated fire department
 25 (established by IC 36-3-1-6.1), elected by the active members
 26 of the consolidated fire department.

27 (11) A trustee who is a certified public accountant, appointed
 28 by the city executive.

29 (12) A trustee who is employed in an occupation related to
 30 pension finance or administration, appointed by the city
 31 executive.

32 (13) A retired member from the consolidated city's police
 33 department as the department existed before January 1, 2006,
 34 elected by the retired members of the consolidated city's police
 35 department who are members of the 1953 fund or the 1977
 36 fund.

37 (14) A retired member of the consolidated fire department,
 38 elected by the retired members of the consolidated fire
 39 department who are members of the 1937 fund or 1977 fund.

40 (b) The trustee described in subsection (a)(9) must be elected at
 41 a meeting of the active members of the metropolitan law
 42 enforcement agency.

43 (c) The trustee described in subsection (a)(10) must be elected at
 44 a meeting of the active members of the consolidated fire
 45 department.

46 (d) The trustee described in subsection (a)(13) must be elected

at a meeting of the retired members of the police department of the consolidated city who are members of the 1953 fund or the 1977 fund.

(e) The trustee described in subsection (a)(14) must be elected at a meeting of the retired members of the consolidated fire department who are members of the 1937 fund or the 1977 fund.

Sec. 4. Unless a bylaw adopted by the local board under section 10 of this chapter provides otherwise, the following governs the terms of the trustees:

(1) A trustee listed in section 3(a)(1) through 3(a)(7) of this chapter serves by virtue of the trustee's elected or appointed office.

(2) Except for the initial trustees whose terms may be shorter, a trustee serves a term of three (3) years, beginning on January 1 following the trustee's appointment or election and until the trustee's successor is appointed or elected, and qualified.

(3) A vacancy shall be filled in the same manner as the vacating trustee was selected for the remainder of the trustee's term.

(4) A person who must be an active member of:

(A) the metropolitan law enforcement agency; or

(B) the consolidated fire department;

to serve as a trustee automatically vacates the office, if the person, for any reason, is no longer an active member of the agency or department.

(5) The terms of at least two (2) of the trustees listed in section 3(a)(8) through 3(a)(14) of this chapter must expire each year.

Sec. 5. The city executive shall designate one (1) of the trustees appointed under section 3(a)(11) or 3(a)(12) of this chapter as the president of the local board.

Sec. 6. (a) The city controller shall serve as the treasurer of the local board.

(b) The treasurer shall perform the following duties:

(1) Have or arrange for custody of all property, money, and securities deposited into the 1925 fund, the 1937 fund, and the 1953 fund, and separately account for the assets of each fund.

(2) Keep a true account of the proceedings of the local board.

(3) Keep a correct statement of the account of each member with the member's fund.

(4) When leaving the treasurer's office, account to the local board for all property, money and securities, including the income received, in the 1925 fund, the 1937 fund, and the 1953 fund.

(5) Turn over to a successor:

(A) all property, money, and securities belonging; and

(B) all books and papers pertaining;
to the 1925 fund, the 1937 fund, and the 1953 fund, that are in
the treasurer's possession.

(6) Execute a bond, in the manner prescribed by IC 5-4-1,
covering:

(A) the faithful performance of the treasurer's duties; and

(B) the duty to fully account for all property, money, and
securities belonging to the 1925 fund, the 1937 fund, and
the 1953 fund that are in the treasurer's possession.

(7) Except as provided by this chapter, perform any other
duties of a fund treasurer or a fund secretary:

(A) required by IC 36-8-6, IC 36-8-7, or IC 36-8-7.5; or

(B) assigned by the local board.

(c) The treasurer shall provide complete and accurate reports to
the local board concerning the 1925 fund, the 1937 fund, and the
1953 fund in the manner and as often as the local board, by bylaw,
establishes.

(d) The books of the treasurer must be open at all times to
examination by the trustees of the local board.

Sec. 7. The local board shall submit a report each July to the
city-county legislative body. The report must cover the preceding
calendar year through December 31, and must contain a detailed
statement of the affairs of the 1925 fund, the 1937 fund, and the
1953 fund, including a separate accounting of the income,
disbursements, assets, and liabilities of each fund during the
preceding calendar year.

Sec. 8. (a) The local board shall appoint, as necessary, actuarial,
medical, clerical, legal, or other employees, and set or approve their
compensation.

(b) The treasurer has the discretion to appropriately attribute
to or apportion among the 1925 fund, the 1937 fund, and the 1953
fund for payment of the costs of the services described in subsection
(a).

Sec. 9. The trustees of the local board receive no compensation
for their services.

Sec. 10. The local board may adopt all bylaws that are necessary
for the management of the 1925 fund, the 1937 fund, and the 1953
fund, including bylaws covering the following administrative
matters:

(1) The conduct of local board meetings.

(2) The procedures for trustee appointments or elections.

(3) The collection of all money and other property due or
belonging to the 1925 fund, the 1937 fund, or the 1953 fund.

(4) The care, preservation, and disbursement of assets from
the 1925 fund, the 1937 fund, and the 1953 fund.

(5) The formation of one (1) or more subcommittees to review

retirement, disability, and survivor applications for benefits, and other matters concerning benefits of retirees, survivors, and beneficiaries.

(6) The terms of the trustees initially appointed or elected under section 3(a)(8) through 3(a)(14) of this chapter.

(7) All other matters necessary for the management of the 1925 fund, the 1937 fund, or the 1953 fund.

Sec. 11. The local board may invest the 1925 fund, the 1937 fund, or the 1953 fund in any of the following:

(1) Interest bearing direct obligations of the United States or of the state or bonds lawfully issued by an Indiana political subdivision.

(2) Savings deposits or certificates of deposit of a chartered national, state, or mutual bank whose deposits are insured by a federal agency. However, deposits may not be made in excess of the amount of insurance protection afforded a member or investor of the bank.

(3) Shares of:

(A) a federal savings association organized under 12 U.S.C. 1461, as amended, having its principal office in Indiana; or

(B) a savings association organized and operating under state law whose accounts are insured by a federal agency.

However, the local board may not purchase shares in excess of the amount of insurance protection afforded a member or an investor of the association.

(4) An investment authorized under IC 5-13-9.

Sec. 12. (a) The city controller may establish a pension stabilization account for the consolidated city to fund the consolidated city's obligations under the 1925 fund, the 1937 fund, or the 1953 fund.

(b) The city executive and the city controller shall determine the amount, if any, of the pension stabilization account that may be used each fiscal year to meet the obligations described in subsection (a).

(c) The city controller may, in the controller's sole discretion, deposit all or any part of the consolidated city's pension stabilization account with the board of trustees of the public employees' retirement fund (the PERF board) to have the PERF board administer and invest some or all of the consolidated city's pension stabilization account assets in accordance with IC 5-10.3-5-3 and IC 5-10.3-11-6.

(d) As required by IC 5-10.3-11-6, the consolidated city's deposit described in subsection (c) is a separate and distinct account within the public employees' retirement fund and the pension relief fund. The assets in the consolidated city's account may be commingled with other funds administered by the public employee's retirement

1 **fund for investment purposes.**

2 **Sec. 13. The local board has no taxing authority."**

3 Delete pages 166 through 169.

4 Page 170, delete lines 1 through 13.

5 Page 210, delete lines 3 through 6, begin a new paragraph and insert:

6 "SECTION 215. IC 36-8-13-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. This chapter
8 applies to all townships, **except townships that are located in a**
9 **county having a consolidated city and that are consolidated into a**
10 **township district established under IC 36-6-1.1."**

11 Page 210, delete lines 11 through 42, begin a new paragraph and
12 insert:

13 "SECTION 217. IC 36-8-19-1.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
15 **[EFFECTIVE JANUARY 1, 2006]: Sec. 1.5. (a) After December 31,**
16 **2005, in a county having a consolidated city, only:**

17 **(1) a consolidated city;**

18 **(2) an excluded city; or**

19 **(3) a township that is not consolidated into a township district**
20 **established under IC 36-6-1.1;**

21 **may establish fire protection territory under this chapter.**

22 **(b) A fire protection territory that is established before January**
23 **1, 2006, by a unit that is consolidated under IC 36-3-1-6.1 becomes**
24 **part of the geographic area in which the fire department of a**
25 **consolidated city provides fire protection services.**

26 SECTION 218. IC 36-9-11.1-11 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All
28 property of every kind, including air rights, acquired for off-street
29 parking purposes, and all its funds and receipts, are exempt from
30 taxation for all purposes. When any real property is acquired by the
31 consolidated city, the county auditor shall, upon certification of that fact
32 by the board, cancel all taxes then a lien. The certificate of the board
33 must specifically describe the real property, including air rights, and the
34 purpose for which acquired.

35 (b) A lessee of the city may not be assessed any tax upon any land,
36 air rights, or improvements leased from the city, but the separate
37 leasehold interest has the same status as leases on taxable real property,
38 notwithstanding any other law. Whenever the city sells any such
39 property to anyone for private use, the property becomes liable for all
40 taxes after that, as other property is so liable and is assessed, and the
41 board shall report all such sales to the township assessor **or, in the case**
42 **of a township district established under IC 36-6-1.1, the county**
43 **assessor**, who shall cause the property to be upon the proper tax
44 records.

45 SECTION 219. IC 36-9-17.5-1 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. **(a) Except as**
47 **provided in subsection (b),** this chapter applies to all townships.

(b) This chapter does not apply to a township district established under IC 36-6-1.1 in a county having a consolidated city.

SECTION 220. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to the townships indicated in each section.**

(b) After December 31, 2005:

(1) this chapter does not apply to a township that is consolidated into a township district established under IC 36-6-1.1 in a county having a consolidated city; and

(2) all powers and duties related to parks and recreation of the townships that are consolidated into a township district established under IC 36-6-1.1 in a county having a consolidated city are transferred to the consolidated city.

SECTION 221. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to all townships.**

(b) After December 31, 2005:

(1) this chapter does not apply to a township that is consolidated into a township district established under IC 36-6-1.1 in a county having a consolidated city; and

(2) all powers and duties related to parks and recreation of the townships that are consolidated into a township district established under IC 36-6-1.1 in a county having a consolidated city are transferred to the consolidated city."

Page 211, delete lines 1 through 25.

Page 213, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 225. [EFFECTIVE JULY 1, 2005] **For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 of a county having a consolidated city is increased by the amount levied in 2006 for assessor and related services by each township in the county that is consolidated into a township district established under IC 36-6-1.1.**

SECTION 226. [EFFECTIVE JULY 1, 2005] **The township district established under IC 36-6-1.1 shall refer the township district's proposed budget, ad valorem property tax levy, and property tax rate for 2007 to the local government tax control board, which shall review and set the budget, levy, and rate as though the township district is covered by IC 6-1.1-18.5-7. For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax limits and any other limits on ad valorem property taxes set forth in IC 6-1.1-18.5 of the township district shall be based upon:**

(1) the amount levied in 2006 for the township general funds

1 of townships that are consolidated into the township district;
2 and

3 (2) the amount levied in 2006 for township assistance,
4 including reasonable administrative costs, in the townships
5 that are consolidated into the township district.

6 SECTION 227. [EFFECTIVE JULY 1, 2005] (a) Any case pending
7 in a township small claims court in a township that is consolidated
8 into a township district established under IC 36-6-1.1 after the close
9 of business on December 31, 2005, is transferred on January 1,
10 2006, to the corresponding township division of the small claims
11 division of the Marion superior court established by
12 IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this
13 act. A case transferred under this SECTION shall be treated as if
14 the case were filed in the corresponding township division of the
15 small claims division of the Marion superior court.

16 (b) On January 1, 2006, all property and obligations of a
17 township small claims court in a township that is consolidated into
18 a township district established under IC 36-6-1.1 become the
19 property and obligations of the corresponding township division of
20 the small claims division of the Marion superior court established
21 by IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this
22 act.

23 (c) This SECTION expires January 2, 2007.

24 SECTION 228. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding
25 any other provision, the term of a judge in office in a township
26 small claims court established by IC 33-34 in a township that is
27 consolidated into a township district established under IC 36-6-1.1
28 does not terminate until the date that the term would have
29 terminated under the law in effect on December 31, 2005. The
30 election for the initial small claims judges to be elected to the
31 township divisions of the small claims division of the Marion
32 superior court under IC 33-33-49-13.1, as added by this act, is the
33 election to be held in the November immediately preceding the date
34 that the corresponding term of the judge in office in a township
35 small claims court established by IC 33-34 in a township that is
36 consolidated into a township district established under IC 36-6-1.1
37 would have terminated under the law in effect on December 31,
38 2005.

39 (b) Notwithstanding any other provision, the term of a constable
40 for a township small claims court established by IC 33-34 in a
41 township that is consolidated into a township district established
42 under IC 36-6-1.1 does not terminate until the date that the term
43 would have terminated under the law in effect on December 31,
44 2005. The election for the initial small claims constables to be
45 elected under IC 33-33-49-14.2, as added by this act, is the election
46 to be held in the November immediately preceding the date that the

corresponding term of the constable for a township small claims court established by IC 33-34 in a township that is consolidated into a township district established under IC 36-6-1.1 would have terminated under the law in effect on December 31, 2005.

(c) This SECTION expires January 2, 2011.

SECTION 229. [EFFECTIVE JULY 1, 2005] (a) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount levied in 2006 for fire protection and related services by each:

- (A) township;
- (B) airport authority;
- (C) fire protection territory; or
- (D) excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3; and

(2) is reduced for:

- (A) a township;
- (B) an airport authority;
- (C) a fire protection territory; or
- (D) an excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3 by the amount levied in 2006 for fire protection and related services by each township, airport authority, fire protection territory, or excluded city whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3.

(b) This SECTION expires January 1, 2007.

SECTION 230. [EFFECTIVE JULY 1, 2005] The amount levied in 2006 by each:

- (1) township;
- (2) airport authority;
- (3) fire protection territory; or
- (4) excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, both as added by this act, for its cumulative building and equipment fund for fire protection and related services is transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

SECTION 231. [EFFECTIVE UPON PASSAGE] The legislative

1 **services agency shall prepare legislation for introduction in the**
2 **2006 regular session of the general assembly to organize and**
3 **correct statutes affected by this act, if necessary.**

4 SECTION 232. **An emergency is declared for this act."**

5 Delete pages 214 through 216.

6 Renumber all SECTIONS consecutively.

(Reference is to ESB 638 as printed April 1, 2005.)

Representative Espich